

CHILD SUPPORT GUIDELINE COMMISSION

NOTICE OF PUBLIC MEETING

Pursuant to D.C. Code § 16.916.02 (2003), on December 31, 2003, the District of Columbia Child Support Guideline Commission issued initial recommendations to the Mayor regarding changes to the District's Child Support Guideline. The Commission is currently finalizing its recommendations and plans to issue its final report in the near future.

The Commission will hold a public meeting to finalize its report and recommendations as follows:

When: Wednesday, June 2, 2004
8:00 – 10:00 am

Where: Child Support Enforcement Division
Office of Corporation Counsel
441 4th Street NW, 5th Floor North, Conference Room A
Washington, DC 20001

Please contact Chrystal Mincey at (202) 724-1462 if you have questions about this meeting.

BOARD OF ELECTIONS AND ETHICS
CERTIFICATION OF ANC/SMD VACANCIES

The District of Columbia Board of Elections and Ethics hereby gives notice that there is a vacancy in **one (1)** Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code §1-309.06(d)(2);2001 Ed.

VACANT: 1A08

Petition Circulation Period: **Monday, May 10, 2004 thru Tuesday, June 1, 2004**

Petition Challenge Period: **Friday, June 4, 2004 thru Thursday, June 10, 2004**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

D.C. Board of Elections and Ethics
441 - 4th Street, NW, Room 250N

For more information, the public may call **727-2525**.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS

Certification of Filling a Vacancy
In Advisory Neighborhood Commission

Pursuant to D.C. Code section §1-309.06 (d)(6)(G) and the resolution transmitted to the District of Columbia Board of Elections and Ethics ("Board") from the affected Advisory Neighborhood Commission, the Board hereby certifies that a vacancy has been filled in the following single member district by the individual listed below:

Barbara J. Savage
Single Member District 7B05

**E.L. Haynes Public Charter School
Administrative Office
Josephine Butler Parks Center
2437 15th Street, NW
Washington, DC 20009
Phone: (202) 667-4446
Fax: (202) 667-8811**

NOTICE: REQUEST FOR PROVIDING FOOD PREPARATION SERVICES

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide meals for breakfast (approximately 35 elementary school students) and lunch (approximately 138 elementary school students). The meals must meet or exceed federal nutrition requirements and all compliance standards of the USDA School Breakfast Program and the National School Lunch Program (NSLP). Vendors will be required to deliver meals to the school.

Interested bidders will state their credentials, provide appropriate licenses and sample menus made in accordance with federal nutritional and serving requirements. All proposals must include a cost estimate.

Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Food Services. Full proposals are due at the above address by Friday, May 21st, 2004 at 5 PM.

NOTICE: REQUEST FOR PROVIDING CLEANING SERVICES

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide janitorial services, including minor repairs, for its facility located at 3029 14th Street, NW Washington, DC 20009. Performance of services includes maintaining a neat, clean work environment for staff and students. Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Janitorial Services. Proposals are due at the above address or via the above fax number by Friday, May 21st, 2004 at 5 PM.

NOTICE: REQUEST FOR BUSINESS SERVICES

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide business services in the areas of book keeping, accounting, budgeting, and internal financial control. Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Business Services. Full proposals are due at the above address or via the above fax number by Friday, May 21st, 2004 at 5 PM.

NOTICE: REQUEST FOR COMPUTER PURCHASE

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals for the purchase of laptop and desktop computers. Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Computers. Proposals are due at the above address or via the above fax number by Friday, May 21st, 2004 at 5 PM.

NOTICE: REQUEST FOR FURNITURE PURCHASE

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals for the purchase of school and office furniture. Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Furniture. Proposals are due at the above address or via the above fax number by Friday, May 21st, 2004 at 5 PM.

NOTICE: REQUEST FOR SPECIAL EDUCATION SERVICES

E.L. Haynes Public Charter School, in accordance with section 2204(c)(IX)(A) of the District of Columbia School Reform Act of 1995 hereby solicits proposals to provide special education services for approximately 50 students for the 2004-5 school year. Additional information can be obtained by calling 202-667-4446 or e-mailing info@elhaynes.org and referencing Special Education Services. Proposals are due at the above address or via the above fax number by Friday, May 21st.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF AMENDMENT TO ADMINISTRATIVE PLAN
FOR THE SECTION 8 CERTIFICATE AND
HOUSING CHOICE VOUCHER PROGRAM

The Board of Commissioners of the District of Columbia Housing Authority has adopted an amendment to the Administrative Plan for the Section 8 Certificate and Housing Choice Voucher Program.

Chapter 4, "Establishing Preferences & Maintaining the Waiting List," Section E.i, "Local Preferences Categories," Paragraph E.i.2.a.iii, is amended and restated as follows:

- "iii. Special Needs Housing: Applicants are included under this preference if an applicant has been referred to DCHA by the Deputy Mayor's Office for Child and Family Services, including the DC Department of Mental Health, DC Office on Aging, or the DC Department of Health in order to aid the District of Columbia in meeting the goal of affordable housing for special needs housing groups in its Consolidated Plan. The number of units authorized for HCVP assistance under this provision is governed by approved public housing Redevelopment/Revitalization plans and allocations approved by the Board of Commissioners from time to time."

This amendment became effective upon adoption by the Board of Commissioners on April 14, 2004. Copies of the Administrative Plan and this amendment are available for review at the District of Columbia Housing Authority, Office of the General Counsel, 1133 North Capitol Street, NE, Suite 210, Washington, DC 20002.

District of Columbia
Department of Human Services
Family Services Administration

PUBLIC NOTICE
NOTICE OF FUNDS AVAILABILITY

Homeless Services for Single Adults and Families Network Management Grant

RFA # JA-FSA-HS-04

The District of Columbia Department of Human Services (DHS), Family Services Administration (FSA) is soliciting applications from private and non-profit agencies to manage the homeless services continuum of care currently operated by a network of service providers within the District of Columbia. Approximately \$18,000,000 in federal funds may be available on a competitive basis, pending approval by the U. S. Department of Health and Human Services.

The Request for Application will be available beginning May 14, 2004 in the District Register. Applications also can be accessed via the Internet at the District of Columbia Office of Partnerships and Grants website <http://www.opgd.dc.gov/> go to the link, District Grants Clearinghouse.

The **deadline for application submission is June 22, 2004 by 4:00p.m.** Five copies including an original and four copies, of the application must be submitted to the DHS Office of Grants Management (OGM). The OGM is located in Room 2604 at DHS headquarters at the address noted below.

A Pre-Application Conference will be held on May 26, 2004 from 10:00am to 12:00p.m. at the Department of Human Services Headquarters, located at 2700 Martin Luther King Avenue, S.E., 801 East Building, Washington, DC., Conference room 21-East.

For further information regarding the application and/or the pre-application conference, please contact:

Ms. Priscilla Burnett, Program Assistant
Office of Grants Management
Room 2604
2700 Martin Luther King Avenue, S.E., 801 East Building
Washington, DC 20032-0247
Telephone: (202) 279-6205
Fax: (202) 279-6239

District of Columbia Department of Human Services

Family Services Administration

**REQUEST FOR APPLICATIONS
(RFA): #JA-FSA-HS-04**

Grant Program Title:

Homeless Services For Single Adults and Families Network Management Grant

The D. C. Department of Human Services/Family Services Administration invites the submission of applications for funding through the Temporary Assistance to Needy Families (TANF) program, the Family Violence Prevention Services Grant, and Local Appropriation for homeless services network management.

Announcement Date: May 14, 2004

RFA Release Date: May 14, 2004

Application Submission Deadline: Tuesday, June 22, 2004 by 4:00pm

LATE APPLICATIONS WILL NOT BE ACCEPTED

Checklist for Applications**Homeless Services For Single Adults and Families Network Management Grant**

- > The applicant organization/entity has responded to all sections of the Request for Application (RFA).
- > The Applicant Profile, found in Attachment A, contains all the information requested and is placed at the front of the application.
- > The Program Budget is complete and complies with the budget form in Attachment E of the RFA. The budget narrative is complete and describes the category of items proposed.
- > The application is printed on 8 ½ by 11-inch paper, double-spaced, on one side, using 12-point type with one-inch margins.
- > The program narrative section is complete and is within the 40-page limit for this section of the RFA submission.
- > The applicant is submitting the required five (5) copies of its application, including an original and four (4) copies.
- > The application format conforms to the "Application Format" listed in Section V of the RFA.
- > The Certifications and Assurances listed in Attachments and are complete and contain the requested information.
- > The appropriate appendices, including program descriptions, staff requirements and qualifications, individual resumes, licenses (if applicable), and other supporting documentation are enclosed.
- > The application is submitted by the deadline date of Tuesday, June 22, 2004, no later than 4:00 p.m. EST, to the Department of Human Services (DHS), Office of Grants Management.
- > The application is submitted with two original receipts, found in Attachment D, attached to the outside of the envelope or package for DHS' approval upon receipt.
- > Appendices are to be included in the proposal submission.

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**District of Columbia
Department of Human Services
Family Services Administration**

Request for Applications (RFA):

Homeless Services For Single Adults and Families Network Management Grant

SECTION I**GENERAL INFORMATION****Introduction**

The D.C. Department of Human Services (DHS), Family Services Administration (FSA) is seeking applicants for a funding award to manage the homeless services continuum of care currently operated by a network of service providers within the District of Columbia. This network seeks to ensure that homeless persons have access to a variety of supportive and rehabilitative services including shelter and housing services.

The vision of the District's Continuum of Care for persons who are homeless or at risk of becoming homeless is that of a community wide, non-segregated, and inclusive system of services that provides for the needs of all citizens through a variety of arrangements within the context of the larger community. Guided and aided by technological and information supports, this continuum promotes the ultimate goal of self-sufficiency while responding in a caring manner that values all people.

Target Population

Annually, approximately 17,000 homeless persons use the District of Columbia's homeless continuum of care services. On any given day, there are approximately 6,840 homeless persons, including single adults and family groups, residing in emergency and transitional shelters, on the street, or living in precarious housing situations while awaiting placement in emergency shelters. In addition, there are about 2,530 formerly homeless persons that reside in permanent supportive housing that now comprise a growing segment of the District's Continuum of Care system. In 2002, an estimated 500 persons were living in the streets or in emergency shelter facilities. A large number of these homeless are chronic substance abusers, severely mentally ill, or diagnosed as both.

Eligible Organizations/Entities

Private, non-profit agencies both based in and serving the target communities in the District of Columbia are encouraged to apply.

Source of Grant Funding

Funding is made available through the U. S. Department of Health and Human Services, the Temporary Assistance to Needy Families (TANF) program managed by the Income Maintenance Administration within DHS, the Family Violence Prevention Services program managed by the Family Services

Administration (FSA) also within DHS, and locally appropriated funds also managed by FSA.

Award Period

To be awarded to one organization, this grant has a one-year term and has a renewable option for the next four years. The projected initial grant activation period is October 1, 2004 through September 30, 2005 with the renewable option being exercised each October 1 for four years if the project is successful. Project success will be determined by whether the following three conditions are met: 1) the Department of Human Services determines that it is in the best interests of District of Columbia residents for the project to continue, 2) funding is available for continued operation, and 3) the U. S. Department of Health and Human Services accepts a continuation of these services.

Grant Awards and Amounts

Approximately \$18,000,000 will be awarded to fund one organization to provide management services and sub grants for the homeless services network in the District of Columbia as outlined in Section II of the RFA — Program Scope.

Contact Persons

For further RFA information, please contact:

Priscilla Burnette, Program Assistant
Office of Grants Management
2700 Martin Luther King, Jr., Ave., S.E., 801 East
Room 2604
Washington, D.C. 20032-0247
Telephone: (202) 279-6174
FAX: (202) 279-6239
Email Address: priscilla.burnette@dc.gov

For further Program related inquiries, please contact

Susie King
Program Management Specialist
Family Services Administration
2146 24th Place, N.E., Room 211
Telephone: (202) 541-3961
Fax: (202) 541-3964
Email address: susie.king@dc.gov

Pre-Application Conference

The Pre-Application Conference will be held at 10:00 a.m. on May 26, 2004, in Conference Room 21E of the Department of Human Services located at 2700 MLK, Jr. Ave., S.E., Washington, DC 20032.

Explanation to Prospective Applicants

Applicants are encouraged to mail, FAX, or E-Mail their questions to Ms. Susie King on or before June 2nd, 2004. Questions submitted after this deadline date will not receive responses. Please allow ample time for mail to be received prior to the deadline date. Mail, Fax and email information for Ms. King is noted above.

SECTION II

PROGRAM SCOPE

General Responsibilities of the Applicant

The purpose of this RFA is to select a qualified contractor to manage a continuum of care through a network of service providers. This network's goal is to ensure access of its clients to a variety of support services and housing in order to prevent or reduce homelessness. This network shall also actively facilitate the transition of individuals and families from homelessness through the continuum of care into self-sufficiency.

The vision of the District's Continuum of Care for persons who are homeless or at risk of becoming homeless is that of a community wide, non-segregated, and inclusive system of services that provide for the needs of all citizens through a variety of arrangements within the context of the larger community. Guided and aided by technological and information supports, this continuum promotes the ultimate goal of self-sufficiency while at the same time, responding in a caring manner that values all people.

Target Population

Approximately 17,000 homeless persons annually use the services of the District of Columbia's homeless services continuum of care. On any given day, there are approximately 6,840 homeless persons, including single adults and family groups, residing in emergency and transitional shelters, on the street, or living in precarious housing situations while awaiting placement in emergency shelter. In addition, there are about 2,530 formerly homeless persons residing in permanent supportive housing that now comprise a growing segment of the District's Continuum of Care system.

In 2002, an estimated 500 persons were living in the streets or in emergency shelter facilities. A large number of these homeless are chronic substance abusers, severely mentally ill, or diagnosed as both.

Location of Services

The Applicant shall provide primary services within the District of Columbia at a facility approved by the Department of Human Services.

Definitions

- A. "Adequate nighttime residence" - a housing accommodation that is not likely to jeopardize the health, safety, or welfare of its occupants.
- B. Adult - any individual who:
 - 1. Has reached the age of majority under District law as defined in section 46-101 of the D.C. Code; or
 - 2. Qualifies as an emancipated minor under District law.

- C. Apartment style housing unit has --
1. Separate cooking facilities and other basic necessities to enable families to prepare and consume meals;
 2. Bathroom facilities for the use of the family; and
 3. Separate sleeping quarters for adults and children.
- D. At-Risk Population - those persons who are in imminent danger of homelessness.
- F. ACEDS - Automated Client Eligibility Determination System for Temporary Assistance to Needy Families (TANF) benefits.
- F. Client - an individual or family seeking, receiving, or having eligibility for publicly funded services within the Continuum of Care.
- G. Continuum of Care - an evolving and comprehensive system of services for individuals and families who are homeless or at risk of becoming homeless designed to serve clients based on their individual level of need. The Continuum of Care may include, but is not limited to: crisis intervention, outreach and assessment services, hypothermia services, shelter, transitional housing, permanent supportive housing referral services, and other supportive services.
- H. Department - The District of Columbia Department of Human Services or any successor organizational unit (in whole or in part).
- I. Drop-In Centers - part of a system that offers day services as well as 24-hour services including shelter, food, clothing, and referrals to other services; these locations may also function as assessment centers where individual and family housing and service needs are determined.
- J. Emergency Shelter - short-term centers providing overnight shelter with appropriate supportive services for homeless individuals and families; these centers aim at stabilizing individuals and families for a period of no more than three months.
- K. Homeless - a person or persons who lack a regular and adequate night time residence and a person or persons who have a primary night time residence that is:
- a. A supervised publicly or privately operated shelter designed to provide temporary living accommodations (including congregate shelters and transitional housing for persons who are mentally ill);
 - b. An institution that provides a temporary residence for individuals or families scheduled to be subsequently housed;
 - c. A public or private place not designed for or ordinarily used as a regular sleeping accommodation for individuals or families; or
 - d. The individual's or family's permanent residence from which he, she, or they are barred from entry or occupancy due to the likelihood of violence.

L. Homeless Family -

1. A group of individuals with at least one minor or dependent child, regardless of blood relationship, age, or marriage, whose history and/or statements reasonably tend to demonstrate that they intend to remain together as a family unit; or
2. A pregnant woman in her third trimester.

M. Homeless Person -

1. An individual lacking a fixed, regular, and adequate nighttime residence or the financial ability to immediately acquire one; or
2. An individual having a primary nighttime residence that is a supervised publicly or privately operated shelter or transitional housing facility designed to provide temporary living accommodations; or
3. An individual living in a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

N. Hypothermia shelter - a public or private building that the District shall make available whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit, in order to provide 24-hour shelter to individuals and/or families who are homeless and cannot access other shelter.

O. Outreach and Assessment - those processes that determine whether an individual or family is homeless, needs assistance to avoid becoming homeless, or needs other assistance; they ensure that identified individuals and families receive appropriate housing and supportive services.

P. Permanent Housing/Fully Independent Living - permanent sites of various kinds (Single Room Occupancy units, apartments, group homes, public housing, etc.) where people are expected to maintain themselves independently.

Q. Permanent Supportive Housing - a structured facility that provides the adequate supportive services essential to meet the long term housing needs of homeless individuals and families; services are provided for a specified period of time based on assessed need.

R. Prevention - those processes that assist persons in crisis while creating new resources and service methodologies that reduce the incidence of crisis situations.

S. Provider - an individual, firm, partnership, corporation, or other organization selected by the applicant to provide shelter and/or supportive services to homeless persons.

T. Public assistance - government-funded payments in money or the provision of medical care, remedial care, shelter, and other goods or services to and for the benefit of needy persons.

- U. Resident of the District - an individual or family who is living in the District of Columbia voluntarily, not for a temporary purpose, and has no current intention of moving from the District. The term "resident of the District" shall be interpreted and applied in accordance with section 4-205.03 of the D.C. Code.
- V. Self-sufficiency - a functional and economic state based on the provision of services that results in less dependency on governmental support systems while at the same time, maintaining permanent housing and employment.
- W. Service Plan - a written plan, developed and agreed upon by both the provider and the client, consisting of time-specific goals and objectives designed to promote self-sufficiency and attainment of permanent housing; these goals and objectives are based on the client's individually assessed needs, desires, strengths, resources, and limitations.
- X. Severe weather conditions - refers to outdoors weather conditions whenever the actual or forecasted temperature, including the wind chill factor, falls below 32 degrees Fahrenheit.
- Y. SRO - a Single Room Occupancy unit.
- Z. Supportive housing - transitional housing and permanent supportive housing.
- AA. Supportive Services - any service reasonably related to the provision of temporary housing for homeless persons and/or families and to the efforts to assist homeless individuals and families to move into permanent housing; these may include, but should not be limited to: counseling, psychiatric assistance, employment assessment and counseling, educational classes, substance abuse programs, day-time activity program, job training, and child care.
- BB. Temporary shelter -
1. An overnight or 24-hour housing accommodation, other than a severe weather shelter, for individuals who are homeless provided directly by, or through contract or grant, with the District of Columbia, for the purpose of providing shelter and supportive services; or
 2. A 24-hour apartment-style housing accommodation, other than a severe weather shelter, for families who are homeless provided directly by, or through contract or grant, with the District of Columbia, for the purpose of providing shelter and supportive services; or
 3. A 24-hour non-apartment-style housing accommodation, other than a severe weather shelter, for families who are homeless provided directly by, or through contract or grant, with the District of Columbia, for the purpose of providing shelter for up to 90 days while awaiting transfer to either an apartment-style temporary shelter or supportive housing.
- CC. Transitional housing - a 24-hour housing accommodation, provided directly by, or through contract or grant with, the District of Columbia that provides rehabilitative and supportive services designed to prepare individuals and families for self-sufficient living and where an individual or family may reside for up to 2 years.

Specific Responsibilities**Responsibilities of the Agency Pertinent to this Procurement**

The Agency shall be responsible for the following:

- A. Provisioning energy, communication, building rental, security, maintenance, building repair, and equipment repair services for sub-grantees who use District of Columbia owned or leased facilities.
- B. Ensuring the provision or access to sanitation, health, transportation, employment, training, education, and related supportive services provided by D.C. Government agencies.
- C. Providing a staff person for the performance of D.C. Government agency liaison responsibilities.

Responsibilities of the Grantee

The management services grantee shall ensure that sub grantees provide services that include the following components:

- A. Preventive Services including case management and referral services
- B. Shelter Services including emergency, transitional, and permanent supportive housing services with treatment components for single adults and families
- C. Treatment services through linkages with mental health services, basic preventive and ambulatory health care, health services for HIV/AIDS, and substance abuse
- D. Job placements and training referral services
- F. Management information systems to track both services to clients and these clients' progress to self-sufficiency
- F. Matching federal grants to expand network resources to ensure innovative service delivery
- G. Establishing an open and competitive system of sub granting
- H. A central family intake center with an assessment component for accessing service needs and placing families in shelter and housing
- I. Program monitoring of network providers
- J. Research of issues and trends in homeless service delivery, both locally and nationally, that ensure that current services by the management services grantee are aligned to reflect findings and changing client needs.

- K. Prepare a 45 to 60-day Transitional Plan for those closeout activities that shall guarantee a smooth transition of services upon completion of the grant. These activities will include the transfer of all records, files, data, and financial documents from the grantee to DHS.

Grantee's Performance Responsibilities and Limitations

The grantee and its sub grantees shall use the operational and administrative practices that are consistent with length of stay limitations designed to make certain that no family or single adult receives homeless program emergency shelter services in excess of ninety days and thirty days, respectively.

Expected Results/Benefits of Services

The grantee and its sub grantees shall ensure that the expected results and benefits to be generated by the delivery of services to homeless individuals and families should include, but are not limited to:

A. Single Adults

1. Transitional beds for persons disabled by substance abuse and/or mental illness
2. Emergency, transitional, and permanent housing for mentally ill homeless
3. Employment services in shelter or transitional housing
4. Housing for HIV+ persons (beds)
5. Single Room Occupancy (SRO) housing

B. Families and Children

1. Public housing units with transitional services
2. Permanent housing units
3. Housing for families in recovery from substance abuse
4. Homeless prevention federal grants
5. Child development screenings and day care placements
6. Emergency and transitional shelter units (temporary and permanent capacity)
7. Transitional housing

APPLICABLE DOCUMENTS

ITEM #	DOCUMENT TYPE	VERSION	TITLE	DATE
1.	D.C. Law	7-86	Emergency Shelter Services for Families Reform Act of 1987	1987
2.	D.C. Law	7-204	Frigid Temperature Protection	1989
3.	D.C. Law	9-197	D.C. Overnight Shelter Amendment Act of 1990	1991
4.	D.C. Law	11-59, Section 3	Human Services Spending Reduction Temporary Amendment Act	1995
5.	Public Law No. 105-33		The Balanced Budget Act	1997
6.	Federal Law No 42 USC 11302		The Stewart B. McKinney Homeless Assistance Act	1987
7.	Mayor's Order 2001-161		Establishment — District of Columbia Hypothermia Procedures	2002
8.	Department of Human Services Directive		Directive on Current Laws and Rules Governing the District's Homeless Program for Individuals and Families	2003
9.	Department of Human Services Directive		Further Directive on Current Laws and Rules Governing the District's Homeless Program for Individuals and Families	2003

For copies of the above referenced documents, please forward a written or email request to Ms. Susie King, Program Management Specialist, at 2146 24th Place, N.E. Room 211, Washington, DC, 20018. Email address: Susie.King@dc.gov

PERFORMANCE REQUIREMENTS

C.5 PERFORMANCE REQUIREMENTS

Performance Requirement	Performance Standard	Acceptable Quality Level	Surveillance Method and Frequency	Positive Incentives/Negative Incentives*
5.1 Ensure the provision of safe and supportive emergency shelter services for homeless persons, 365 days per year, from 12-24 hours per day.	<i>Shall meet 85% of monthly placement targets</i>	80%	<i>Monthly reports 6 month customer surveys Inspections</i>	
5.2 Ensure the provision of safe, supportive, transitional, and rehabilitative	<i>Shall meet 85% of monthly placement targets</i>	80%	<i>Monthly reports 6 month customer surveys</i>	

<p>housing for homeless families up to 24 months. Also ensuring provisions of safe, supportive, transitional, and rehabilitative housing and shelter for homeless individuals for up to six months from 12-24 hours per day.</p>			<p><i>Inspections</i></p>	
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Performance Requirement	Performance Standard	Acceptable Quality Level	Surveillance Method and Frequency	Positive Incentives/Negative Incentives*
<p>5.3 Maintain a system of services that prevent single adults and families from becoming homeless.</p>	<p><i>Shall meet 55% of monthly placement targets</i></p>	<p><i>60%</i></p>	<p><i>Monthly reports</i></p>	
<p>5.4 Reduce recidivism rates through a series of follow-up services.</p>	<p><i>15% recidivism</i></p>	<p><i>20% recidivism</i></p>	<p><i>Monthly reports</i> <i>Monthly Homeless Management Information System (HMIS) Reports</i> <i>6 month customer surveys</i></p>	
<p>5.5 Establish and maintain a competitive system of sub granting.</p>	<p><i>Must be operational within 30 days of grant award</i></p>	<p><i>Operational within 30 days of grant award</i></p>	<p><i>Inspection of system and review of contract awards</i> <i>Monthly reports</i></p>	

Performance Requirement	Performance Standard	Acceptable Quality Level	Surveillance Method and Frequency	Positive Incentives/Negative Incentives*
5.7 Oversee a network of providers that ensures participations in training and treatment programs for homeless persons. Ensure that staff participates in national conferences and obtain information about best practices in the delivery of homeless services.	<i>Must be operational within 30 days of grant award</i>	<i>Operational within 45 days of grant award</i>	<i>Monthly reports Inspections</i>	
5.8 Oversee a network of providers that ensure referrals and placement of homeless persons in educational and employment programs that support self-sufficiency.	<i>Must be operational within 30 days of grant award</i>	<i>Operational within in 45 days of grant award</i>	<i>Monthly reports Inspections</i>	
5.9 Oversee a network of providers that stabilizes the homeless person through access to health, drug treatment, and/or mental health services.	<i>Must be operational within 30 days of grant award</i>	<i>Operational within in 45 days of grant award</i>	<i>Monthly reports Inspections</i>	
5.10 Oversee a network of providers that ensures access to permanent housing for homeless persons, including disabled persons, and provides supportive services.	<i>Must be operational within 45 days of grant award</i>	<i>Operational within 60 days of grant award</i>	<i>Monthly reports Inspections</i>	
5.11 Establish and maintain a program monitoring system of the network providers.	<i>Must be operational within 45 days of grant award</i>	<i>Operational within 60 days of grant award</i>	<i>Monthly reports Inspections</i>	
5.12 Establish and maintain a system of annual fire inspections for each shelter facility.	<i>Must be operational within 45 days of grant award</i>	<i>Operational within 60 days of grant award</i>	<i>Monthly reports Inspections</i>	

Performance Requirement	Performance Standard	Acceptable Quality Level	Surveillance Method and Frequency	Positive Incentives/Negative Incentives*
<p>5.13 Establish and maintain a network with the capacity to provide and execute "Emergency Preparedness Plans" and participate in training activities to ensure readiness when a disaster occurs.</p>	<p><i>15% of the networks' Directors of Operations and equivalent staff within the service providers network comply with the standards</i></p>	<p><i>No less than 10% of the networks' Directors of Operations and equivalent staff with the service providers network comply with the standards.</i></p>	<p><i>Quarterly report</i> <i>Inspection of program records</i></p>	
<p>5.14 Establish and maintain a homeless management information system that will track shelter capacity data, gaps in service data, eligibility data, and resources for adults, unaccompanied youth, and families; outcome data by clients served and programs funded under the Continuum of Care. The system shall ensure confidentiality for all client information.</p>	<p><i>Must be operational within 45 days of grant award</i></p> <p><i>Ensure data is on-going and that training on the HMIS is provided to service providers as needed.</i></p> <p><i>Ensure that 100% of the service providers have the equipment required to implement and access the HMIS</i></p>	<p><i>Operational within 60 days of grant award</i></p> <p><i>Ensure that no less than 90% of the service providers have the equipment required to implement and access the HMIS</i></p>	<p><i>Monthly HMIS status reports that will include data production, training, and other critical issues and operational problems that may occur.</i></p> <p><i>Conduct at least a quarterly testing of operations, staff competency, and data reliability at sites randomly selected by DHS</i></p>	

Performance Requirement	Performance Standard	Acceptable Quality Level	Surveillance Method and Frequency	Positive Incentives/Negative Incentives*
5.15 To make certain that the sub grantees of the TANF transfer funds are meeting the stipulation that requires earmarking the TANF transfer funds used to serve children and their families whose incomes are less than 200% below the official poverty guidelines as required by the U.S. Department of Health and Human Services.	<i>Ensure that 100% of sub grantees adhere to the TANF requirements and include these requirements within their service contracts</i>	<i>Ensure that 95% of sub grantees adhere to the TANF requirements and include these requirements within their service contracts</i>		
5.16 Ensure that essential service provider staff is trained in First Aid and Cardiopulmonary Resuscitation (CPR). Make certain that certificates are maintained and placed in employee files upon training completion.	<i>Ensure that 100% of the essential service providers are trained and certified</i>	<i>Ensure that no less than 95% of the essential service providers are trained and certified</i>	Monthly reports	
5.17 Ensure that a confidential, nonviolent environment within an emergency shelter or transitional housing, plus supportive services, is provided to victims of domestic violence.	<i>Service providers shall operate at 90% capacity for victims of domestic violence</i>	<i>No less than 80% of the domestic violence victims shall remain in this nonviolent environment for a minimum of 120 days after exiting the shelter</i>	Monthly reports Inspection of programs	

Deliverables

Deliverable	Media	Quantity	Due Date
5.1; 5.2; 5.3; 5.4; 5.5; 5.6; 5.7; 5.8; 5.9; 5.10; 5.12; 5.14; 5.15; 5.16; 5.17 Monthly Status Report	Hard copy and MS WORD E-Mail file attachment	2 each	By 20 th calendar day of month
5.13 Quarterly	Hard copy and MS WORD E-Mail file attachment	2 each	By 20 th calendar day of month following the end of the quarter
5.1; 5.2; 5.4 Customer Surveys	Hard copy and MS WORD E-Mail file attachment	2 each	By 20 th calendar day of month following the end of each six-month period

Staff Requirements

- A. The applicant must provide evidence that all personnel involved in service provision are properly trained and qualified to carry out these services. Accordingly, the applicant shall include in the application, at a minimum, an organizational chart and/or a staffing plan with the associated staff job descriptions and qualifications.
- B. In the application, the applicant shall describe how they will maintain accurate and confidential personnel records for each employee. These records should include the employee's name, address, and Social Security Number as well as the employee's resume showing their education, training, previous employment, letter of employment, and salary.
- C. Proposed staffing patterns should reflect the number and types of personnel required for all service delivery within funding limitations. All cost and staffing requirements shall be delineated.
- D. Any changes in staffing patterns or job descriptions must be approved in writing in advance by the Grant Manager.

Printed Materials - Transfer of Ownership

The applicant shall transfer ownership of all materials, including flyers, brochures, and resource materials, to the D.C. Department of Human Services, Family Services Administration upon the completion of this grant.

SECTION III SUBMISSION OF APPLICATIONS**Application Identification**

An original and four (4) copies of the application are to be submitted in sealed envelopes or three-ring binders. Attachment B, found in this package, should be affixed to the outside of the envelope or package. Of the five (5) copies, one (1) copy must be an original. **DHS will not forward the application to the review panel if the applicant fails to submit the required five (5) copies with Attachment B affixed to the outside of the envelope or binder.** Telephonic, telegraphic, and facsimile submissions will not be accepted.

Application Submission Date and Time

Applications are due no later than 4:00 p.m. on June 22, 2004. All applications will be logged in upon receipt. **Applications submitted after 4:00p.m., EST, June 22, 2004, will not be accepted.**

If an application has been approved, a late modification that makes the proposal more favorable to DHS may be accepted and shall be considered at any time it is received. This would occur after the applicant has received notice that their proposal was selected.

An original and four (4) copies of the application **must be** delivered to the following location:

*Department of Human Services
Office of Grants Management
Attention: Ms. Priscilla Burnette, Program Assistant
2700 MLK, Jr. Ave., SE
801 East Building
Room 2604
Washington, DC 20032*

LATE APPLICATIONS WILL NOT BE FORWARDED TO THE REVIEW PANEL.

SECTION IV REVIEW AND SCORING OF APPLICATIONS**Review Panel**

The review panel will be composed of neutral, qualified, and professional individuals selected for their unique experience in human services, data analysis, evaluation, and social services planning and implementation. The review panel will review, score, and rank each applicant's proposal. Upon completion of its review, the panel shall make recommendations for awards based on the scoring process. DHS shall make the final funding determinations.

SCORING CRITERIA

Applicants' proposal submissions will be objectively reviewed against the following specific scoring criteria.

Criterion A Theoretical and Technical Soundness of the Proposal (Total: 40 Points)

1. The objectives of the proposed project are clearly defined, measurable, and time-specific. **(10 points)**
2. The proposed activities and work plan will result in the accomplishment of project objectives and are consistent with program requirements presented in the Program Scope -- Section II. **(10 points)**
3. Provisions are made for adequate evaluation of project effectiveness and for determining the extent of accomplished objectives. **(10 points)**
4. The proposed impact of the program on the target population is clearly delineated and justified. **(10 points)**

Criterion B Organizational Capability and Relevant Experience (Total: 45 Points)

1. The applicant must demonstrate the knowledge and experience relevant to the service applied for and how it will be used to serve the target population. **(10 Points)**
 - Applicant demonstrates competencies in both provisioning services for which funding is requested and in being consistent with the program requirements presented in the Program Scope Section of this Application.
 - Applicant has relevant experience with both the target population and the geographic area in which this population will be served.
2. The applicant must demonstrate cultural competency and appropriateness (racial, ethnic, economic, gender, age, disability, etc.) of services to be delivered. **(10 points)**
 - Applicant has identified and has demonstrated an understanding of issues affecting the target population.
 - The target population is represented among staff, management, Board of Directors, and/or an advisory body.
 - Language issues are addressed via the availability of staff with appropriate language skills including Spanish, Chinese, Korean, and Vietnamese, or other languages as needed.
 - Letters of support from community and advocacy groups are provided.
3. The applicant demonstrates how the proposed program is consistent with the mission and history of their own organization. **(10 points)**

4. The applicant demonstrates the capacity to administer the proposed program. (15 points)
 - The applicant meets all applicable licensure, certification, and accreditation requirements for both staff and facilities.
 - The applicant's staff possesses the skills and experience needed to successfully complete the project.
 - The applicant's proposed facilities, staffing, supervision, management, and quality control mechanisms will promote effective and efficient service delivery.

Criterion C Sound Fiscal Management and Reasonable Budget (Total: 10 Points)

1. The applicant provides evidence of sound fiscal management and financial stability with the submission of requested copies of annual audits, financial statements, and tax returns for the preceding year. (5 points)
2. The applicant demonstrates that the proposed budget is reasonable, realistic, and will achieve project objectives. (5 points)

Criterion D Overall Project Feasibility (Total: 5 Points)

The applicant will provide documentation that the proposed program will be fully supported by the management staff and the governing body of the applicant (parent organization, if applicable). The applicant will also document that the project is compatible with the organization's mission and vision and will be effectively coordinated and integrated into its other operational activities.

Decision on Awards

The review panel recommendations are advisory only and are not binding on the Department of Human Services, Family Services Administration (FSA) that makes the ultimate final award decision. After reviewing the recommendations of the review panel and any other relevant information, the Department of Human Services Director shall decide which applicant will be awarded the grant.

SECTION V

APPLICATION FORMAT

Applicants are required to follow the format below and each proposal must contain the following information:

- Applicant Profile (see Attachment A)
- Table of Contents
- Proposal Summary (3 pages)
- Project Narrative that includes information about a quality assurance system, the project evaluation mechanism, and the facility or site from which the grant will be managed (**not to exceed 40 pages**).

- Organization, Experience and Qualifications of Applicant including information about cultural competency. (2 pages)
- Project Work Plan (not counted in page total, see Attachment C)
- Staffing Plan and Board configuration (not counted in page total, see Attachment D)
- Program Budget and Budget Narrative (not counted in page total, see Attachment E)
- Appendices (not counted in page total -- includes Resumes, Organization Chart, Position Descriptions, Letters of Support, Licenses, Certificates, and Accreditation documents).

The number of pages designated for each section is a recommendation. Applicants should feel free to submit fewer or more pages than recommended for a particular section. However, the maximum number of pages for the total proposal **cannot exceed 75 double-spaced pages (*the entire document must be double-spaced -- including bullet points*) on 8 ½ by 11-inch paper. Margins must be no less than 1 inch and a font size of 12-point is required (New Times Roman or Courier font type is recommended). All pages must be numbered. The review panel will not evaluate applications not conforming to these requirements.**

Description of Proposal Sections

Each section's purpose and content is described below. Applicants should include all information requested to adequately describe their objectives and plans for service delivery. It is important that proposals reflect continuity between goals and objectives, program design, work plan for activities, and that the budget demonstrates the level of effort needed for the proposed services.

Applicant Profile

Each application must include an Applicant Profile that identifies the applicant, type of organization, project service area, and the amount of grant funds requested. (See Attachment A in the RFA's Section VIII).

Table of Contents

The Table of Contents should list all major sections of the application with quick reference page indexing.

Application Summary

This section should be brief and serve as the cornerstone of the total application. This summary should highlight a major overview of the project objectives that are discussed in detail in other sections of the application.

Project Narrative

This section should contain the narrative that justifies and describes the project to be implemented. The project narrative should include the following:

1. Target population to be served;
2. Specific and measurable program objectives for the application service area;

3. Specific service(s) to be provided;
4. Detailed work plan of activities;
5. Number of non-duplicated clients to be served, if appropriate;
6. Need for the services;
7. Evidence of cultural competency;
8. Extent to which access barriers (including language) to the target population will be addressed;
and
9. Quality assurance mechanisms.

The application must include separate program descriptions for the target population and time-specific work plans describing activities needed to achieve the service objectives. **These time-specific work plans must be included in the application as an attachment.** The work plan should also focus on the specific tasks and timelines for task completion to ensure project completion and the achievement of established goals.

An evaluation plan must be both included in the attachment and referenced in the program description.

Organization, Experience and Qualifications of Applicant (2 pages)

The applicant must provide detailed information on the agency and its project staff's qualifications and experience to demonstrate the organization's capability to provide the services described in the RFA. The applicant must list the key personnel who will be assigned to the proposed project and state the percentage of total time each will devote to the project.

Program Budget and Budget Narrative

A standard budget form is provided in Attachment E. The project budget shall contain detailed and itemized cost information that shows personnel, other direct, and indirect costs. The detailed budget narrative shall contain a justification for each budget category listed. The narrative should also clearly state how the applicant developed the proposed budget figures.

Personnel

Salaries and wages for full and part-time project staff should be calculated in the budget section of the grant application. If staff is being paid from another source of funds, their time on the project should be referred to as donated services (i.e., in-kind, local share, or applicant share).

Other Direct

These costs generally include expenditures for space -- rented or donated -- and should be comparable to prevailing rents in the surrounding neighborhood. Applicants should also add the cost of utilities and telephone services directly related to grant activities, maintenance services (if essential to the program), and insurance on the facility.

Costs for rental, lease, and purchase of equipment should be included as well and this

equipment should be listed individually (e.g. office equipment, desks, copying machines, word processors, etc.). Cost for supplies such as paper, stationary, pens, computer diskettes, publications, subscriptions, and postage should also be estimated for inclusion.

All transportation-related expenditures such as estimates on staff travel, pre-approved per diem rates, ground transportation, and employee reimbursement should be included.

Indirect Costs

Indirect costs cannot be readily assigned to a particular project or activity but are required for projecting an organization's operating cost to conduct the grant-related activities it performs. Indirect costs would include those expenditures for the operation and maintenance of the building and equipment, depreciation, administrative salaries, general telephone services, and general travel and supplies.

Certifications and Assurances

Applicants shall provide the certifications and assurances requested in the RFA Attachment Section and return them with the application.

Appendices

This section shall be used to provide technical material, supporting documentation, and endorsements for the application. Such items may include:

- An audited financial statement;
- A designation of non-profit corporate status;
- A roster of the Board of Directors;
- A proposed organizational chart for the project;
- An organizational budget (as opposed to project budget);
- Letters of support or endorsement;
- Staff resumes (if applicable); and
- Job descriptions (if applicable).

SECTION VI

PROGRAM AND ADMINISTRATIVE REQUIREMENTS

Use of Funds

Applicants shall only use grant funds to support homeless services network management activities for single adults and families.

Indirect Costs Allowance

The applicants' budget submissions must adhere to a fifteen-percent (15%) maximum for indirect costs.

Staff Requirements

1. The applicant shall employ sufficient managerial, professional, and paraprofessional staff to meet the scope of work specifications and shall maintain documentation that staff possesses adequate training and competence to perform the duties to which they have been assigned.
2. The applicant shall maintain a written job description for each position funded through the grant that must be included in the project files and be available for inspection on request. The job description shall include:
 - Education, experience, and/or licensing/certification criteria,
 - A description of duties and responsibilities,
 - Hours of work,
 - Salary range, and
 - Performance evaluation criteria.

When hiring staff for this project, the applicant shall obtain written documentation of professional and personal references for each person hired.

3. The applicant shall maintain an individual personnel file for each project staff member that will contain:
 - The application for employment,
 - Professional and personal references,
 - Applicable credentials/certifications,
 - Records of required medical examinations,
 - Personnel actions including time records,
 - Documentation of all training history,
 - Notation of any allegations of professional or other misconduct,
 - The applicant's action with respect to these allegations, and
 - The date and reason for the applicant's actions if staff member is terminated.

All personnel materials shall be made available to the DHS/FSA Grant Manager upon request. The applicant shall provide orientation sessions for each staff member and volunteer covering administrative procedures, program goals, and policies and practices to be adhered to under the applicant's grant agreement.

4. If volunteers are used on this project, the applicant shall maintain an individual personnel file for each volunteer that will contain:
 - Documentation of professional and personal references,
 - Applicable credentials/certifications,
 - Training completed,
 - Information documenting skills that contribute toward the success of this project,
 - Notation of any allegations of professional or other misconduct
 - The applicant's action with respect to the allegations, and
 - The date and reason for the applicant's actions if volunteer is terminated from the project.

All of these personnel materials shall be made available to the Grants Manager upon request.

5. The applicant shall maintain a current organizational chart that displays organizational relationships and states who has administrative oversight of the project.
6. Any changes in staffing patterns or job descriptions shall be approved in advance in writing by the DHS/FSA Grant Manager.

Facility Requirements

A. Regulations

The facilities used by the applicant, during the performance of grant activities, shall meet all applicable Federal, state, and local regulations for their intended use throughout the duration of the grant agreement. The applicant shall keep all required permits and licenses current. The applicant's failure to do so shall constitute a failure to perform under the grant agreement and will serve as a basis for termination of this agreement due to default.

B. Emergency Back-Up Site

The applicant shall guarantee that an emergency site facility has been identified should the primary facility become unavailable for use as a result of a catastrophic event.

C. Accessibility

All facilities offered for service provisioning under the grant agreement shall be accessible to persons with mobility and other limitations, e.g., persons who are blind, deaf or hearing impaired, consistent with the Rehabilitation Act of 1973, P.L. 95-602 (Section 504), and the Americans with Disabilities Act, P.L. 1010-336, as appropriate, which shall be incorporated in the grant agreement. These facilities will also be conveniently reached using public transportation.

D. Maintenance

All supplies and services routinely needed for maintenance and operation of the facility, such as janitorial or trash pickup, shall be provided by the applicant. In addition, the applicant must ensure that it has the ability to make emergency repairs to shelter sites and to address unsafe, dangerous or hazardous situations expeditiously.

Performance Standards and Quality Assurance

- A. The applicant shall monitor and evaluate activities associated with completing this project. At a minimum, the quality assurance program shall include a review of timely task completion and progress made toward achieving project goals.
- B. The applicant shall develop and implement policies and procedures to evaluate the accuracy of data collected and activities reported.
- C. The applicant shall participate in project evaluation by using appropriate internal staff and/or

external evaluators with the assurance that client confidentiality will be maintained. These activities may include, but are not limited to, site visits, client surveys, or other data collection activities.

- D. The applicant shall engage the target populations in customer satisfaction surveys to the extent possible and shall address issues and suggestions raised by both the target populations and the surveys when feasible.

Reports

- A. The applicant shall submit a monthly report to the grant manager by the 20th day after the end of each service month concerning the progress towards task completion and scope of service requirements. Each report shall contain the following information, as appropriate to the grant award, in a format approved by the DHS/FSA grant manager:
- (1) Draft copies of all materials, educational and otherwise, planned for use in implementing this grant are to be submitted for approval by the Family Services Administration prior to preparation of a final draft and dissemination;
 - (2) Program description of workshops, seminars, and/or courses including data on the total number and names of the target population, organizations, and individuals invited to participate as well as those who did participate. The workshops, seminars, and/or courses are to be reported by the section of the District in which they took place;
 - (3) Description of services provided including a count of victims of violence and/or their children who received one-on-one counseling, case management, and/or advocacy services. These descriptions will also include the number of clients who received information and referral services;
 - (4) Demographics of the population served;
 - (5) Listing of the dates and locations of all domestic violence educational and outreach activities conducted during the reporting month;
 - (6) Collaboration (if any) with other organizations serving the target population;
 - (7) Status of work plan indicating the extent to which established milestones for the reporting month have been accomplished, an outline of planned activities for the upcoming month, and identifying proposed work plan revisions to address specific problem areas; and
 - (8) Outcomes of service provisioning.
 - (9) A summary of services evaluation results under the quality assurance program
- B. The applicant shall submit a final report to the DHS/FSA Grant Manager no later than the 30th day after expiration of the Grant Agreement. This report will summarize all service delivery data, accomplishments, issues, and recommendations.

- C. The applicant shall report unusual incidents by FAX or telephone to the DHS/FSA Grant Manager within 24 hours of the incident and in writing within five (5) days after incident occurrence.

An **unusual incident** is an event that affects staff (Administrative Agency employees or Sub Grantee staff) or customers and is significantly different from the regular routine or established procedures. Examples of these incidents include, but are not limited to:

- Unusual death;
- Injury;
- Unexplained absence of a client;
- Physical, sexual, or verbal abuse of a client by staff or other clients;
- Staff negligence;
- Fire;
- Theft, destruction of property, or sudden serious problems in the physical facility
- Complaints from families of clients;
- Requests for information from the press, attorneys, or government officials outside of DHS staff involved with the grant; and
- Client behavior requiring attention of staff not usually involved in their care.

Records

- A. The applicant shall keep accurate records of the project and the ongoing progress of its activities. When delivering services, the applicant must maintain records reflecting initial and periodic assessments; initial and periodic service plans; and ongoing progress of project activities.
- B. The applicant shall provide the DHS/FSA Grant Manager, other authorized representatives of the Department of Human Services, and the District government access to programs and financial records as may be necessary for monitoring purposes. To ensure confidentiality and security, records should be kept in a locked file controlled by the applicant's senior staff.
- C. The applicant shall retain all records for at least three (3) years following final closeout of the grant.

Monitoring

- A. The DHS/FSA Grant Manager and/or Program Monitor shall monitor and assess applicant performance according to the scope of work and other related service delivery standards set forth in the Grant Agreement. The Grant Manager and/or Program Monitor or his/her designee may make both scheduled and unscheduled site visits periodically to monitor scope of work implementation and its terms and conditions.
- B. The applicant shall provide the DHS/FSA Grant Manager and/or Program Monitor, other authorized representatives of the Department of Human Services, and the District government access to its facilities, records, customers, and staff as may be necessary for monitoring purposes.
- C. The DHS/FSA Grant Manager and/or Program Monitor shall review all written project policies and procedures, review all monthly reports, conduct site inspections, and hold periodic conferences with the applicant to assess the applicant's performance in meeting grant agreement requirements.

Evaluation

- A. The applicant shall describe the plan that will be used to evaluate project effectiveness including the extent to which efforts are being made to ensure continual quality improvement as evidenced by work plan activity completion and prompt deliverable receipt.
- B. The applicant shall indicate the criteria to be used to assess evaluation process results.
- C. The applicant shall describe the kinds of data to be collected, how it will be analyzed, and will explain how this analysis provides the basis of an appropriate, objective and quantifiable evaluation. The applicant shall also explain the methodology that will be used to measure whether or not the needs of the project are being met.
- D. The DHS/FSA Grant Manager shall be authorized to assess the applicant's performance with respect to accomplishing the goals of the Grant Agreement. Specifically, the applicant's performance shall be assessed to determine the service delivery quality as well as the applicant's ability to deliver services in light of the deadlines established in the Grant Agreement.

SECTION VII**GENERAL PROVISIONS****Payment Provisions**

The District of Columbia shall make payments on approved amounts in accordance with the terms of the Grant Agreement resulting from the RFA. Payments shall be based on requests submitted with both invoices and documentation to support the invoices as may be required by the DHS/FSA Grants Manager. A narrative report covering the period for which reimbursement is being requested shall also accompany all payment requests.

Insurance

When requested, the applicant must be able to show proof of all insurance coverage required by law. All applicants that receive awards under this RFA must show proof of insurance prior to receiving funds.

Audits

At any point, at any time before final payment, and/or three (3) years thereafter, the District of Columbia may request an audit of the applicant's expenditure statements and supporting source documentation.

Nondiscrimination in the Delivery of Services

In accordance with Title VI of the Civil Rights Act of 1964 (Public Law 88-352), as amended, no person shall, on the grounds of race, color, religion, nationality, sex, or political opinion, be denied the benefits of, or be subjected to discrimination under any program activity receiving either Temporary Assistance for Needy Families (TANF) or Family Violence Prevention Services grant funds.

Required Match

Grantees shall provide a match as specified in section 303 (e) of the Family Violence Prevention and Services Act -- i.e., a 20% match of the grant for existing programs and a 35% match for new programs. The match can be either cash or in-kind but may not include any Federal funds provided under any other authority.

Grant Termination

This grant is being issued from the date of award and is expected to continue until the project is completed or through September 30, 2005, whichever comes first. The Department may exercise an option to renew the grant for up to four additional years if services are deemed satisfactory, if it is determined that it is in the best interests of the District of Columbia to extend the grant, and if grant funds are available for renewal. If the applicant must discontinue providing service prior to the completion of the project, the applicant shall provide at least 60 days notice to the Department of Human Services regarding this intention.

Rights to Data

All data produced during the performance of this grant shall be the sole property of the District of Columbia. The applicant shall not publish or reproduce such data, in whole or in part or in any manner or form or authorize others to do so, without written consent of the District until such time as the District of Columbia may have released such data to the public.

Compliance with Tax Obligations

Prior to execution of a Grant Agreement, a grantee must be in compliance with tax requirements in the District of Columbia or any other eligible jurisdiction as well as with Federal tax laws and regulations. Nonprofit organizations must annually register to meet tax exemption requirements and must provide a Certificate of Good Standing prior to execution of the Grant Agreement.

Section VIII

LIST OF ATTACHMENTS

Attachment A	Applicant Profile
Attachment B	Receipt for Application Submission (2)
Attachment C	Work Plan
Attachment D	Staffing Plan
Attachment E	Budget Form
Attachment F	Assurances
Attachment G	Certifications
Attachment H	Statement of Confidentiality
Attachment I	D.C. Department of Finance and Revenue Tax Certification Affidavit

ATTACHMENT A

Homeless Services For Single Adults and Families Network Management Grant

Applicant Profile

Applicant Name: _____

TYPE OF ORGANIZATION

Small Business _____

Non-Profit Organization _____

Contact Person:

Office Address: _____

Phone Number: _____

Fax Number: _____

Federal ID Number:

Program Descriptions: _____

Total funds Requested:

ATTACHMENT B -- Receipt of Application Submission
OGM Copy

Office of Grants Management
2700 MLK, Jr. Ave., S.E
801 East Building
Room 2604
Washington, D. C. 20032

Homeless Services For Single Adults and Families Network Management Grant

RFA # JA-FSA-HS-04

The Office Of Grants Management is in receipt of an application submission from the following organization:

Contact Name/Please Print Clearly: _____

Organization Name: _____

Address, City, State, Zip Code: _____

(Phone/Fax)

(Program Title)

(Amount Requested)

OGM Use Only:

Please Indicate Time Received: _____

Proposal and _____ copies

Received on this date _____ / _____ /2004

Received by: _____

Office of Grants Management
2700 MLK, Jr. Ave., S.E
801 East Building
Room 2604
Washington, D. C. 20032

Homeless Services For Single Adults and Families Network Management Grant

RFA # JA-FSA-HS-04

ATTACHMENT B -- Receipt of Application Submission
Applicant Copy

The Office Of Grants Management is in receipt of an application submission from the following organization:

Contact Name/Please Print Clearly: _____

Organization Name: _____

Address, City, State, Zip Code: _____

(Phone/Fax)

(Program Title)

(Amount Requested)

OGM Use Only:

Please Indicate Time Received: _____

Proposal and _____ copies

Received on this date _____ / _____ /2004

Received by: _____

ATTACHMENT D

Homeless Services For Single Adults and Families Network Management Grant

Staffing Plan

Date Submitted: _____

NAME	POSITION TITLE	FILLED/ VACANT	ANNUAL SALARY	% OF EFFORT	START DATE

Director's Signature: _____

ATTACHMENT E

Homeless Services For Single Adults and Families Network Management Grant

Budget Form

Agency:
 Service Area:
 Budget:

Date of Submission:
 Project Manager:
 Telephone Number:

CATEGORY	PROGRAM SERVICE	AGENCY MATCH	TOTAL
Personnel			
Fridge Benefits			
Travel			
Equipment			
Supplies			
Contractual			
Other (specify)			
Subtotal Direct Costs			
Indirect/Overhead			
TOTAL			



ATTACHMENT F

ASSURANCES

The applicant hereby assures and certifies compliance with all Federal statutes, regulations, policies, guidelines and requirements, including OMB Circulars No. A-21, A-110, A-122, A-128, A-87; E.O. 12372 and Uniform Administrative Requirements for Grants and Cooperative Agreements - 28 CFR, Part 66, Common Rule, that govern the application, acceptance and use of Federal funds for this federally-assisted project.

Also, the Application assures and certifies that:

1. It possesses legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of The applicant's governing body, authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of The applicant to act in connection with the application and to provide such additional information as may be required.
2. It will comply with requirements of the provisions of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 PL 91-646 which provides for fair and equitable treatment of persons displaced as a result of Federal and federally-assisted programs.
3. It will comply with provisions of Federal law which limit certain political activities of employees of a State or local unit of government whose principal employment is in connection with an activity financed in whole or in part by Federal grants. (5 USC 1501, et. seq.).
4. It will comply with the minimum wage and maximum hours provisions of the Federal Fair Labor Standards Act if applicable.
5. It will establish safeguards to prohibit employees from using their positions for a purpose that is or gives the appearance of being motivated by a desire for private gain for themselves or others, particularly those with whom they have family, business, or other ties.
6. It will give the sponsoring agency of the Comptroller General, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the grant.
7. It will comply with all requirements imposed by the Federal-sponsoring agency concerning special requirements of Law, program requirements, and other administrative requirements.
8. It will insure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of the project are not listed on the Environmental Protection Agency's (EPA), list of Violating Facilities and that it will notify the Federal grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.
9. It will comply with the flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973, Public Law 93-234-, 87 Stat. 975, approved December 31, 1976. Section 102(a) requires, on and after March 2, 1975, the purchase of flood insurance in

communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area that has been identified by the Secretary of the Department of Housing and Urban Development as an area having special flood hazards. The phrase "Federal Financial Assistance", includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance.

10. It will assist the Federal grantor agency in its compliance with Section 106 of the National Historic Preservation Act of 1966 as amended (16 USC 470), Executive Order 11593, and the Archeological and Historical Preservation Act of 1966 (16 USC 569a-1 et. seq.) By (a) consulting with the State Historic Preservation Officer on the conduct of investigations, as necessary, to identify properties listed in or eligible for inclusion in the National Register of Historic Places that are subject to adverse effects (see 36 CFR Part 800.8) by the activity, and notifying the Federal grantor agency of the existence of any such properties, and by (b) complying with all requirements established by the Federal grantor agency to avoid or mitigate adverse effects upon such properties.
11. It will comply with the provisions of 28 CFR applicable to grants and cooperative agreements including Part 18, Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 42, Nondiscrimination/Equal Employment Opportunity Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; and Federal laws or regulations applicable to Federal Assistance Programs.
12. It will comply, and all its contractors will comply, with; Title VI of the Civil Rights Act of 1964, as amended; Section 504 of the Rehabilitation Act of 1973, as amended; Subtitle A, Title III of the Americans with Disabilities Act (ADA) (1990); Title IIX of the Education Amendments of 1972; and the Age Discrimination Act of 1975.
13. In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, sex, or disability against a recipient of funds, the recipient will forward a copy of the finding to the Office for Civil Rights, U.S. Department of Justice.
14. It will provide an Equal Employment Opportunity Program if required to maintain one, where the application is for \$500,000 or more.
15. It will comply with the provisions of the Coastal Barrier Resources Act (P.L. 97-348), dated October 19, 1982, (16 USC 3501 et. seq.) which prohibits the expenditure of most new Federal funds within the units of the Coastal Barrier Resources System.

Name of Organization

Signature/Title

Date

ATTACHMENT G

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Chief Financial Officer**Certification Regarding****Lobbying; Debarment, Suspension and Other Responsibility
Matters; and Drug-Free Workplace Requirements**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restriction on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certification shall be treated as a material representation of fact.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that;

- (a) No Federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence and officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
- (b) If any funds other than Federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant of cooperative agreement, the undersigned shall complete and submit Standard Form – III, "Disclosure of Lobbying Activities," in accordance with its instructions;
- (c) The Undersigned shall require that the language of this certification be included in the award documents for all sub awards at all tiers including sub grants, contracts under grants and cooperative agreements, and subcontracts and that all sub-recipients shall certify and disclose accordingly.

2. *DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)*

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had on or more public transactions (Federal, State, or local terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

1. Drug-Free Workplace (Grantees Other Than Individuals)

As Required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F. for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620---

A. The Applicant certifies that is will or will continue to provide a drug-free workplace by;

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the applicant's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The Dangers of Drug abuse in the workplace;

- (2) The applicant's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a),
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(5) Abide by the terms of the statement; and

- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction,
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or other wise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title to:

Notice shall include the identification number(s) of each effected grant:

- (f) Taking on of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—
- (1) Taking appropriate personnel action against such an employee, up to and incising termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposed by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (3) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (1), (c), (d), (e), and (f).

B. The applicant may insert in the space provided below the sites for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Drug-Free Workplace (Grantees who are Individuals)

As required by the Drug-Free Workplace Act of 1988, and implemented at 29 CFR Part 67, subpart F, for Grantees as defined at 28 CFR Part 67: Sections 67 615 and 67 620-

- A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant, and
- B. If convicted of criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to:

Office of Grants Management, 2700 Martin Luther King Avenue, S.E., Washington DC 20020

**As the duly authorized representative the applications,
I hereby certify that the applicant will comply with the above certifications.**

1. Grantee Name and Address

2. Application Number and/or Project Name 3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date

ATTACHMENT H

GOVERNMENT OF THE DISTRICT OF COLUMBIA
RFA # JA-FSA-HS-04

STATEMENT OF CONFIDENTIALITY

I, _____ hereby affirm that I will hold confidential any information gathered or disclosed to me as a TANF project staff member/volunteer as set forth in Section §16-2363 of the Prevention of Child Abuse and Neglect Act of 1977. I also affirm that I will not disclose any information from any TANF project meetings that is not a matter of public record.

I understand that the unauthorized disclosure of any information divulged to me pursuant to D.C. Law §16-2363 will be considered a misdemeanor and upon conviction thereof, subject me to a \$250 fine or imprisonment for not more than ninety (90) days, or both under D.C. Law §16-2363, unless released for purpose related to the treatment of the child and/ or his/her family.

By signing the document, I acknowledge that I have read and fully understand the statement contained herein.

Signature/Title

Date

Name of Organization

ATTACHMENT I

Applicants must attach a copy of the D.C. Department of Finance and Revenue Tax Certification Affidavit as Attachment I

Government of the District of Columbia
Office of Partnerships and Grant Development

Email: fundingalert@dc.gov

Public Notice of Funding Availability

District Opportunities

The Services*Training*Officers*Prosecution (STOP) Violence Against Women Formula Grant. *The DC Office of the Deputy Mayor for Public Safety and Justice/Justice Grants Administration* announces the availability of federal grant funds under the 2004 STOP VAWA Formula Grant program, which is designed to promote a coordinated, multi-disciplinary community response to combating violence against women. The goal of the STOP Program is to encourage collaborative efforts between members of the law enforcement, prosecution, judiciary, and private, non-profit victim services agencies to address the issues of domestic violence, stalking, and sexual assault. Eligible applicants are District agencies and offices; public or private nonprofit organization; units of local government; nonprofit, nongovernmental victim services programs; and legal services programs that provide services to violence against women or provide a function/service to law enforcement, prosecution and/or court agency to promote a coordinated, multi-disciplinary community response to combating violence against women. Grants under this Program shall provide personnel, training, technical assistance, evaluation, data collection and equipment for the more widespread apprehension, prosecution, and adjudication of persons committing violent crimes against women. The Request for Applications (RFA) will be available at 9:00 a.m. on Monday, May 17, 2004, and may be picked up at the front desk of the Office of the Deputy Mayor for Public Safety and Justice/Justice Grants Administration, 1350 Pennsylvania Avenue, NW, Suite 327, Washington, DC 20004. The deadline for applications is 5:00 p.m. on Friday, June 18, 2004. For more information, contact Christine Brooks-Cropper, Program Manager, Office of the Deputy Mayor for Public Safety and Justice/ Justice Grants Administration at (202) 727-0941 or christine.cropper@dc.gov

Crime Victims Assistance Grant (VOCA). *The DC Office of the Deputy Mayor for Public Safety and Justice/Justice Grants Administration* announces the availability of federal grant funds under the Crime Victim Assistance Program for 2004, to improve the treatment of victims of crime by providing victims with the assistance and services necessary to speed their restoration after a criminal act, and to support and aid them as they move through the criminal justice process. Eligible applicants are nonprofit and public organizations in the District of Columbia that provide direct services to crime victims. The Request for Applications (RFA) will be available at 9:00 a.m. on Monday, May 17, 2004, and may be picked up at the front desk of the Office of the Deputy Mayor for Public Safety and Justice/Justice Grants Administration, 1350 Pennsylvania Avenue, NW, Suite 327, Washington, DC 20004. The deadline for applications is 5:00 p.m. on Friday, June 18, 2004. For more information, contact Christine Brooks-Cropper, Program Manager, Office of the Deputy Mayor for Public Safety and Justice/ Justice Grants Administration at (202) 727-0941 or christine.cropper@dc.gov.

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Executive Office of the Mayor

OFFICE OF PARTNERSHIPS AND GRANTS DEVELOPMENT

SECOND QUARTER REPORT FOR FY 2004 ON DONATIONS APPROVED BY OPGD

Pursuant to Mayor's Order 2002-2 dated January 11, 2002, the Director of the Office of Partnerships and Grants Development (OPGD), in consultation with the D.C. Ethics Counselor, is publishing the District's Second Quarter Report on Donations for Fiscal Year 2004. The Order requires the OPGD Director to review all requests by District officials to solicit or accept donations and approve or disapprove such requests as appropriate in accordance with the Rules of Conduct Governing Donations (Mayor's Memorandum 2002-1) and Section 115 of the 2003 D.C. Appropriations Act. This report includes data on all donation requests submitted to the Director for the period beginning January 1, 2004 and ending March 31, 2004. During this period, the OPGD Director approved the acceptance of \$872,254.53 in donations of which \$64,745 represented financial contributions, and \$807,509.53 represented in-kind contributions. Please contact the OPGD Director at (202) 727-8900 for more details on the report.

District Recipient	Donor	Donation Information	Approval Date
Child and Family Services Agency	Jennifer Jones	In-kind donation of suitcases, backpacks and tote bags valued at \$60.	Authority to accept the donation approved on 1-13-04
Child and Family Services Agency	Jennifer Keller	In-kind donation of a laptop computer valued at \$150.	Authority to accept the donation approved on 1-16-04
Child and Family Services Agency	Byron Adams	In-kind donation of a suitcase valued at \$5.	Authority to solicit donations approved on 2-21-04
Child and Family Services Agency	Heather Marin Earhart	In-kind donation of clothing and bottles valued at \$300.	Authority to solicit donations approved on 2-9-04
Child and Family Services Agency	Rolanda Sequeira	In-kind donation of clothing and shoes valued at \$900.	Authority to accept the donation approved on 2-17-04
Child and Family Services Agency	Nicole Jenkins	In-kind donation of clothing valued at \$100.	Authority to accept the donation approved on 2-6-04
Child and Family Services Agency	Tanya Adams	In-kind donation of clothing valued at \$700.	Authority to accept the donation approved on 3-16-04
Child and Family Services Agency	Jennifer Jones	In-kind donation of luggage valued at \$40.	Authority to accept the donation approved on 2-10-04
Child and Family Services Agency	Ezell Battle	In-kind donation of luggage valued at \$600.	Authority to accept the donation approved on 3-5-04

District Recipient	Donor	Donation Information	Approval Date
Child and Family Services Agency	Nina Harrison	In-kind donation of clothing valued at \$100.	Authority to accept the donation approved on 1-9-04
Executive Office of the Mayor	National League of Cities	In-kind donation valued at \$1,185.50 that covered the travel accommodations for the Mayor to attend the National League of Cities' officer's meeting in Miami Beach, Florida on January 8-11, 2004.	Authority to accept the donation approved on 1-7-04
Executive Office of the Mayor	Nike, Inc.	In-kind donation of 3,500 t-shirts valued at \$60,000 to be used by volunteers at the National Youth Service Day (April 16-18, 2004)	Authority to accept the donation approved on 1-15-04
Executive Office of the Mayor	Financial Donations: Comcast \$2,500; Riggs National Bank \$1,000; Washington Gas \$2,750; D.C. Chartered Health \$1,000; Pepco - \$2,500; Verizon Washington \$2,500 In-kind Donations: Roberson Design \$3,000; Sam and Harry's Catering \$750; Red Sage \$500; Old Ebbitt Express \$300; Whole Foods Market \$650; Capital Restaurants Catering \$1,700; Guest Services \$270	In-kind (\$7,170) and financial (\$12,250) donations to support the Mayor's Martin Luther King, Jr. Holiday celebration.	Authority to accept the donation approved on 1-5-04
Office of Human Rights	Georgetown University Institute for Public Representation	Pro-bono services valued at \$27,500 to represent individuals with discrimination charges pending before the Commission on Human Rights.	Authority to accept the donation approved on 2-2-04
District of Columbia Public Library	Estate of Nina Magneson	In-kind donation of 17 books on tape valued at \$300.	Authority to accept the donation approved on 3-31-04
District of Columbia Public Library	Friends of the Library	In-kind donation of 45 DVD home descriptive videos valued at \$870.03.	Authority to accept the donation approved on 2-25-04
District of Columbia Public Library	Anton Reel III	In-kind donation of a piano valued at \$990.	Authority to accept the donation approved on 1-23-04
District of Columbia Public Library	North Capitol Neighborhood Development Association	In-kind donation of 3 Cherry Blossom trees valued at \$300 that will be planted at the Sursum Corda Branch Library.	Authority to accept the donation approved on 4-21-04
Office of Corporation Counsel	Thompson Company	In-kind donation of Westlaw legal and public records research valued at \$30,000.	Authority to accept the donation approved on 2-7-04
Office of Chief Technology Officer	Dell Incorporated	In-kind donation of 10 dell computers and one server valued at \$6,500 to be used by students at the Duke Ellington School of the Arts.	Authority to accept the donation approved on 2-18-04
Department of Parks and Recreation	Capital Longcasters	In-kind donation of fishing equipment valued at \$1,200.	Authority to accept the donation approved on 3-30-04

District Recipient	Donor	Donation Information	Approval Date
Department of Parks and Recreation	Remediation Training Institution & Extra Learning	In-kind donation of computer software and equipment valued at \$20,000 that will be placed at the Southeast Tennis and Learning Center located at 701 Mississippi Ave. SE.	Authority to accept the donation approved on 3-31-04
Metropolitan Police Department	Milton S. Eisenhower Foundation	Financial donation of \$52,495 to fund an overtime detail at the Carver Terrace Youth Safe Haven Police Mini-substation at 2026 Maryland Ave. NE.	Authority to accept the donation approved on 3-30-04
Commission on Arts and Humanities	Washington Convention Center Authority	In-kind donation of artwork valued at \$15,000 to be used for display in public spaces.	Authority to accept the donation approved on 3-31-04
District of Columbia Water and Sewer Authority	Brita Products Company	In-kind donation of 10,000 Brita Water filter pitchers valued at \$270,000.	Authority to accept the donation approved on 3-4-04
District of Columbia Water and Sewer Authority	Proctor and Gamble	In-kind donation of 12,000 Proctor and Gamble Water Filtration Devices valued at \$363,539.	Authority to accept the donation approved on 3-18-04

**Paul Public Charter School
5800 Eighth Street, NW
Washington, DC 20011**

Request for Proposal

Paul Public Charter School is seeking proposals from qualified general contractors for the renovation of a school music classroom and administrative office space. Proposals will be accepted on Friday, May 21, 2004 by 4:00 PM. Copies of architectural drawings and the formal RFP can be obtained beginning Thursday, May 6, 2004 by contacting Mr. Francis Pickford at 202-378-2255.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

_____)	
In the Matter of:)	
)	
AMERICAN FEDERATION OF)	
GOVERNMENT EMPLOYEES, LOCAL 3721,)	PERB Case No. 01-U-29
)	
)	Opinion No. 706
Complainant,)	
)	FOR PUBLICATION
)	
)	
)	
)	
v.)	
)	
DISTRICT OF COLUMBIA)	
FIRE AND EMERGENCY SERVICES)	
DEPARTMENT,)	
)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

This case involves an unfair labor practice complaint filed by the American Federation of Government Employees, Local 3721 ("Complainant", "AFGE" or "Union") against the District of Columbia Fire and Emergency Services Department ("Respondent", "FEMS" or "Agency"). Specifically, AFGE alleges that FEMS committed an unfair labor practice by engaging in improper direct dealing with its members and unlawfully polling its members concerning competing proposals. ¹ (R & R at p. 4). Furthermore, AFGE claims that FEMS violated D.C. Code §1-617.04

¹Both AFGE, Local 3721 (AFGE) and IAFF, Local 36 represent FEMS employees. While AFGE, Local 3721 represents emergency medical service workers, the International Association of Firefighters, Local 36 (IAFF) represents uniformed firefighters at FEMS. The record indicates that for some time the parties have confronted the possibility that FEMS would introduce the concept of dual role cross-training, whereby individuals trained as both fire fighters and paramedics would ride on fire engines and, as such, would be covered by the collective bargaining agreement between FEMS and IAFF, Local 36. (R & R at pg. 2). In AFGE's view, the effect of FEMS's proposal would cause emergency medical service workers to leave AFGE to assume roles as firefighters, where they would be represented by another union.

Decision and Order
PERB Case No. 01-U-29
Page 2

(a)(2),(3) and (5) (2001 ed.)², by issuing and circulating without the Union's knowledge or consent, a memorandum and questionnaire polling members' interest in a proposal that would significantly alter their terms and conditions of employment.³

The Respondent denies the allegations. Specifically, FEMS claims that it did not improperly poll employees or engage in direct dealing with them. Instead, FEMS describes its communication to employees as "non-coercive" and as a "survey which simply seeks to gauge employees' interest in cross training." (R & R at p. 4). FEMS relies on National Treasury Employees Union v. Federal Labor Relations Authority (NTEU v. FLRA) ⁴ to support its contention that it is lawful to directly communicate with its employees for purposes other than collective bargaining, insofar as such communications foster effective and efficient government. 826 F. 2d 114 (D.C. Cir. 1987). While acknowledging that the Memorandum makes mention of "incentive pay", the Agency argues that since the issue has not been "finalized", there is "not yet any obligation for the Agency to notify the Union and to bargain." (R & R at p.4).

A hearing was held and the Hearing Examiner issued a Report and Recommendation. (R & R). The Hearing Examiner found that the Respondent violated D.C Code §1-617.04 (a)(2),(3) and (5) (2001 ed.). Specifically, the Hearing Examiner found that FEMS committed an unfair labor

²Throughout this Opinion, all references to the D.C. Code refer to the 2001 edition, unless otherwise stated.

³This dispute arises out of AFGE's objection to FEMS's act of sending out a Memorandum and Survey dated July 23, 2001, which concerned members' interest in dual role cross training (training EMT's to be firefighters or vice versa) and where an incentive for participating in the cross training was mentioned in the communication. (R & R at p.2). AFGE argues, *inter alia*, that the Memorandum and Survey go beyond mere information gathering because the documents: (1) asked for personal information, such as name and years of service; (2) solicited open-ended comments, which could be used to undermine the Union in any subsequent negotiations between AFGE and FEMS; and (3) suggested that a financial incentive would be offered to those who expressed a preference toward cross-training. (R & R at p. 4).

⁴ In the NTEU v. FLRA case, the United States Court of Appeals for the District of Columbia found that the IRS' action of surveying employees about a number of issues (including the use of computers, time needed for training, career interests, and skills), did *not* constitute improper polling regarding terms and conditions of employment. 826 F. 2d 114 (D.C. Cir. 1987). In fact, the court found that the use of a questionnaire by the IRS, was a "proper information gathering mechanism." Id. In reaching that conclusion, the court balanced the right of employees to exclusive representation with the "advancement of governmental effectiveness and efficiency." Id. As a result, the court concluded that the latter should not be "subordinated" to the former. Id.

Decision and Order
PERB Case No. 01-U-29
Page 3

practice by engaging in improper polling and by offering a financial incentive to employees who express a preference for cross training. Relying on the Board's precedent in Fraternal Order of Police /Metropolitan Police Department Labor Committee v. Metropolitan Police Department, the Hearing Examiner determined that FEMS's July 23, 2001, Memorandum and Survey crossed the line of mere information gathering and is better characterized as an improper attempt by the Agency to bypass the Union by seeking employee views on alternate proposals. 48 DC R 8530, Slip Op. No. 649, PERB Case No. 99-U-27 (2001). Furthermore, the Hearing Examiner found that FEMS sought through communication with membership to solicit input on its preference between competing proposals, under circumstances where, as noted, some change was forthcoming. (R & R at p. 7). Therefore, he concluded that FEMS acted unlawfully when it sought input from AFGE membership without going through the members' exclusive bargaining agent. This was the case despite the fact that the subject matter involved a management right which could be implemented without bargaining.

As a remedy for the unfair labor practice committed, the Hearing Examiner recommended that the Board issue an Order directing the Respondent to cease and desist from violating D.C. Code 1-617.04 (a)(2), (3) and (5) (2001 ed.), by communicating directly with AFGE's members over terms and conditions of employment. In addition, the Hearing Examiner recommended that the Board issue an Order directing the Respondent to: (1) rescind the July 23, 2001 Memorandum and Survey; (2) refrain from using any data it obtained from the use of memorandum and survey for any purpose; and (3) post a notice of its violation of law.

Neither party filed exceptions to the Hearing Examiner's Report and Recommendation.

Pursuant to D.C. Code §1-605.02(3) (2001 ed.) and Board Rule 520.14, the Board has reviewed the findings, conclusions and recommendations of the Hearing Examiner and finds them to be reasonable, supported by the record, and consistent with Board precedent. As a result, we adopt the Hearing Examiner's findings and recommended remedy and direct that the Respondent cease and desist from communicating with AFGE's members over terms and conditions of employment.

Decision and Order
PERB Case No. 01-U-29
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ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Fire and Emergency Medical Services Department (FEMS), its agents and representatives, shall cease and desist from violating D.C. Code § 1-617.04 (a)(2), (3) and (5) (2001 ed.), by the acts and conduct set forth in this Opinion.
2. FEMS, its agents and representatives, shall cease and desist from interfering with, restraining or coercing employees in the exercise of their rights under the Comprehensive Merit Personnel Act (CMPA) in any like or related matter.
3. FEMS, its agents and representatives, shall cease and desist from interfering with the American Federation of Government Employees, Local 3721's rights as exclusive bargaining agents.
4. FEMS shall rescind the July 23, 2001 Memorandum and Survey and refrain from using the data obtained from the poll for any purpose.
5. FEMS shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice, where notices to employees are normally posted.
6. Within fourteen (14) days from the date of this Decision and Order, FEMS shall notify the Public Employee Relations Board (PERB), in writing, that the attached Notice has been posted accordingly, and as to the steps it has taken to comply with paragraphs 4 and 5 of this Order.
7. Pursuant to Board Rule 559.1, this Order shall be final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

April 11, 2003

NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA FIRE AND EMERGENCY SERVICES DEPARTMENT (FEMS), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 706, PERB CASE NO. 01-U-29 (April 11, 2003).

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered us to post this Notice.

WE WILL cease and desist from violating D.C. Code §1-617.04 (a) (2), (3) and (5) (2001 ed.) by the actions and conduct set forth in Slip Opinion No. 706.

WE WILL cease and desist from interfering, restraining or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act (CMPA) to freely: (a) form, join or assist any labor organization; and (b) bargain collectively through representatives of their own choosing.

WE WILL cease and desist from interfering with the American Federation of Government Employees, Local 3721's rights as exclusive bargaining agents.

WE WILL immediately rescind the Memorandum and Survey issued on July 23, 2001 to all Emergency Medical Services Bureau employees which notified them of FEMS's intent to implement a "Dual Rose Cross Training Initiative" which would offer incentive pay to members who completed the cross training and accepted Firefighter/Paramedic positions.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce employees in their exercise of rights guaranteed by the Labor-Management subchapter of the CMPA.

District of Columbia Fire and Emergency Services
Department

Date: _____ By: _____
Director

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 717 14th Street, N.W., Suite 1150; Washington, D.C. 20005. Phone: (202) 727-1822.

BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

April 11, 2003

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:)	
)	
American Federation of Government Employees, Local 2725,)	
)	
Petitioner,)	PERB Case No. 01-RC-04
and)	Opinion No. 729
)	
District of Columbia Department of Health, State Center for Health Statistics Administration,)	FOR PUBLICATION
)	
Agency.)	
)	
)	

**DECISION ON UNIT DETERMINATION AND
DIRECTION OF ELECTION**

The American Federation of Government Employees, Local 2725 (“AFGE” or “Petitioner”), filed a Recognition Petition¹ (“Petition”) in the above-captioned proceeding. AFGE seeks to represent, for purposes of collective bargaining, a unit of unrepresented professionals employed by the District of Columbia Department of Health (“DOH”), State Center for Health Statistics Administration. The Petition was accompanied by a showing of interest meeting the requirements of Board Rule 502.2, a roster of Petitioner’s officers and a copy of the Petitioner’s constitution, as required by Board Rule 502.1(d).

Notices concerning the Petition were issued on December 30, 2002, for conspicuous posting where Notices to employees are normally located at the District of Columbia Department of Health. The Notices indicated that requests to intervene and/or comments should be filed in the Board’s office no later than January 14, 2003. The District of Columbia Department of Health, confirmed in writing that the Notices were posted. Also, the District of Columbia Department of Health, through its representative, the Office of Labor Relations and Collective Bargaining (“OLRCB”), does not dispute

¹In response to a deficiency notice sent by the Board’s Executive Director, AFGE filed an amended Petition so that its filing would comply with the Board’s Rules. The parties later, by stipulation, sought to exclude the Librarian position from the proposed unit.

Decision on Unit Determination and
Direction of Election
PERB Case No. 01-RC-04
Page 2

the appropriateness of the proposed bargaining unit pursuant to the criteria set forth under the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code § 1-617.09 (a) (2001 ed.). However, OLRCB opposed the Petition on the ground that Local 2725 sought to organize a group of employees which were already represented.² This matter was referred to a Hearing Examiner in order to determine whether this unit of employees was already represented.³ Subsequently, a hearing was held. During the hearing, OLRCB argued that the professionals which made up the proposed unit were already represented. However, in its post hearing brief, OLRCB withdrew its argument and indicated that the Agency no longer opposed AFGE's Petition. There were no other comments received in this matter.

The Hearing Examiner determined that the employees were not represented by another union.⁴ In making her determination, the Hearing Examiner considered the fact that the language contained in the earlier certifications stated that the professionals described in those certifications were "patient care" professionals, as opposed to "administrative professionals." Therefore, she concluded that the "administrative professionals" in the present case did not share a community of interest with the "patient care" professionals described in the earlier certifications. In addition, the Hearing Examiner considered the fact that employees in the proposed unit all shared an employee code of "XAA", which the District of Columbia Office of Personnel often uses to identify employees who are not represented by a union. Based on the foregoing and other reasons described in more detail in the Hearing Examiner's Report and Recommendation (R & R), the Hearing Examiner concluded that there is no existing bar to AFGE's Recognition Petition and that the proposed Unit

²Specifically, OLRCB asserted that the Statistician and Health Statistician positions were represented by District 1199E-DC, National Union of Hospital and Health Care Employees, Service Employees International Union, AFL-CIO, CLC ("SEIU-1199E"). To support its claim, OLRCB contended that in 1992, the Board issued a certification for a unit covering these positions. OLRCB claimed that the certification was issued prior to the transfer of Department of Human Services functions to the Department of Health and while these employees were a part of the Department of Human Services' Commission on Public Health. In addition, OLRCB contended that three of the positions (Computer Specialist, Program Analysts and Public Health Advisor) fell within the unit certified by the Board's predecessor (Board of Labor Relations) in 1980 and represented by the American Federation of Government Employees, Local 383 ("AFGE, Local 383"). The parties later stipulated that the Public Health Advisor position should be properly titled "Public Health Analyst." (R & R at pg. 2, Footnote 3).

³Carmel Ebb was the Hearing Examiner assigned to this matter.

⁴The Board finds that this conclusion is reasonable and supported by the record. Therefore, we adopt the Hearing Examiner's finding on this issue.

Decision on Unit Determination and
Direction of Election
PERB Case No. 01-RC-04
Page 3

is consistent with the Board's bargaining unit precedent.⁵ See, D.C. Council 20, AFSCME and District of Columbia School of Law, 36 DCR 8203, Slip Op. No. 235, PERB Case No. 89-R-03 (1989). She recommended that the following unit be certified, with the exclusion of the Librarian position, as stipulated to by the parties.⁶

All professional employees employed by the District of Columbia Department of Health, State Center for Health Statistics Administration, including statisticians, program analysts, computer specialists, and health analysts; excluding non-professional employees, management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

D.C. Code §1-617.09(a) (2001 ed.), requires that a community of interest exist among employees in order for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition and exhibits, as well as the Hearing Examiner's Report and Recommendation, reveals that the proposed unit should consist of the following employee positions: statisticians, program analysts, computer specialists, and health analysts. All of these employees are assigned to the District of Columbia Department of Health, State Center for Health Statistics Administration. In addition, all of these employees share a common mission within the District of Columbia Department of Health, State Center for Health Statistics Administration. No other labor organization represents these employees. Also, we conclude that there is no collective bargaining agreement in effect covering any of these employees.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of all professional employees sharing a common mission, would in our view, promote effective labor relations and efficiency of agency

⁵The Hearing Examiner declined to address other issues and defenses raised by the parties once the opposition to the petition was withdrawn. She did provide a discussion of some city-wide problems that surfaced during the record of this case. (R & R at pg. 6).

⁶The Original Recognition Petition included a Librarian position in the Unit description. However, at the hearing in this matter, the parties stipulated that the Librarian position not be included in this unit because the parties could not determine whether or not the position was properly classified as professional. An amended Petition was filed which excluded the Librarian position and the Unit described above reflects the fact that the Librarian position is not included.

Decision on Unit Determination and
Direction of Election
PERB Case No. 01-RC-04
Page 4

operations and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board orders that an election be held to determine the will of the eligible employees (in the unit described below), regarding their desire to be represented by AFGE for purposes of collective bargaining with the District of Columbia Department of Health, State Center for Health Statistics Administration. Finally, we believe that a mail ballot election is appropriate in this case.

ORDER

IT IS HEREBY ORDERED THAT:

1. The following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All professional employees employed by the District of Columbia Department of Health, State Center for Health Statistics Administration, including statisticians, program analysts, computer specialists, and health analysts; excluding non-professional employees, patient care professionals, librarians, management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.⁷

2. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.10

⁷The original petition did not make reference to "patient care" professionals. However, the Board adopted the Hearing Examiner's recommendation that there was a difference between "patient care professionals" and "administrative professionals." In addition, the parties stipulated that the "librarian" position would be eliminated. Consistent with the Hearing Examiner's findings and the parties' stipulations, the Board added "patient care professionals" and "librarians" to the list of excluded positions in this unit description.

Decision on Unit Determination and
Direction of Election
PERB Case No. 01-RC-04
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(2001 ed.) and Board Rules 510-515 in order to determine whether or not all eligible employees desire to be represented for bargaining on terms and conditions of employment by either the American Federation Government Employees, Local 2725 or No Union;

3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

September 30, 2003

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
American Federation of State,)	
County and Municipal Employees,)	
D.C. Council 20, Local 2401,)	
)	
	Petitioner,)	PERB Case No. 02-RC-01
)	
and)	Opinion No. 739
)	
District of Columbia Public Schools,)	FOR PUBLICATION
)	
	Agency.)	
_____)	

**DECISION ON UNIT DETERMINATION AND
DIRECTION OF ELECTION**

The American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401 ("AFSCME" or "Petitioner"), filed a Recognition Petition ("Petition") in the above-captioned proceeding. AFSCME originally sought to represent, for purposes of collective bargaining, a consolidated unit of unrepresented professional and non-professional employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions. The Petition was accompanied by a showing of interest, a roster of Petitioner's officers and a copy of the Petitioner's Constitution. (See Board Rules 502.1(d) and 502.2)

Notices concerning the Petition were issued on October 16, 2003, for conspicuous posting where Notices to employees are normally located at the District of Columbia Public Schools, Office of Contracts and Acquisitions. The Notices indicated that requests to intervene and/or comments should be filed in the Board's Office no later than November 19, 2003. On November 11, 2003, the District of Columbia Public Schools confirmed that the Notices were posted. In addition, DCPS submitted a comment. In their comment, DCPS indicated that the agency does not oppose the Petition. However, DCPS claimed that the non-professionals in the proposed unit, are already represented by AFSCME, Local 2921. As a result, DCPS asserted that the Petition should be limited to professional employees. AFSCME, Local 2401 agreed with DCPS' claim. As a result, AFSCME amended its petition and is now only seeking to represent the professional employees. There were no other comments received.

Decision and Order

PERB Case No. 02-RC-01

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Pursuant to its Amended Petition, AFSCME seeks to represent the following proposed unit:

All professional employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions; excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.¹

D.C. Code § 1-617.09(a) (2001ed.), requires that a community of interest exist among employees in order for a unit to be found appropriate by the Board for collective bargaining over terms and conditions of employment. An appropriate unit must also promote effective labor relations and efficiency of agency operations.

Our review of the Petition, the Agency's response and exhibits reveal the following concerning the proposed unit. The proposed unit consists of the following employee positions: contract specialist, program assistant, cost price analyst, staff assistant, contract administrator, contractor specialist. All of these employees share a common organizational structure and mission within the District of Columbia Public Schools, Office of Contracts and Acquisitions. No other labor organization represents these employees. Also, there is no collective bargaining agreement in effect covering any of these employees.

In view of the above, we believe that sufficient factors exist for the Board to find that these employees share a community of interest. Such a unit of all professional employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions, that share a common purpose and mission, would in our view, promote effective labor relations and efficiency of agency operations and thereby constitute an appropriate unit under the Comprehensive Merit Personnel Act.

Regarding the question of representation, the Board orders that an election be held to determine the will of the eligible employees (in the unit described above), regarding their desire to be represented by AFSCME, Local 2401 for the purpose of collective bargaining with the District of Columbia Public Schools, Office of Contracts and Acquisitions. In accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515, eligible employees shall indicate their desire concerning whether to be represented for purposes of collective bargaining on compensation and terms and conditions of employment by either the American Federation of State, County and Municipal Employees, Local 2401 or No Union. Finally, we believe that a mail ballot election is appropriate in this case.

¹As previously indicated, AFSCME originally sought to represent a consolidated unit of professional and non-professional employees. However, the parties agreed that the non-professional employees are currently represented by AFSCME, Local 2921. As a result, AFSCME has requested that its Petition be limited to only professional employees.

Decision and Order
PERB Case No. 02-RC-01
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ORDER

IT IS HEREBY ORDERED THAT:

1. The Following unit is an appropriate unit for collective bargaining over terms and conditions of employment:

All professional employees employed by the District of Columbia Public Schools, Office of Contracts and Acquisitions; excluding all management officials, supervisors, confidential employees, employees engaged in personnel work in other than a purely clerical capacity and employees engaged in administering the provisions of Title XVII of the District of Columbia Comprehensive Merit Personnel Act of 1978, D.C. Law 2-139.

2. A mail ballot election shall be held in accordance with the provisions of D.C. Code § 1-617.10 (2001 ed.) and Board Rules 510-515 in order to determine whether or not all eligible employees desire to be represented for the purpose of collective bargaining on terms and conditions of employment by either the American Federation of State, County and Municipal Employees, D.C. Council 20, Local 2401 or No Union.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
WASHINGTON, D.C.**

April 19, 2004

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
Washington Teachers' Union, Local #6,)	
American Federation of Teachers, AFL-CIO,)	
Complainant,)	PERB Case No. 04-U-01
v.)	Opinion No. 741
District of Columbia Public Schools,)	FOR PUBLICATION
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case:

The Washington Teachers' Union, Local #6, American Federation of Teachers, AFL-CIO, ("Complainant", "WTU" or "Union"), filed an Unfair Labor Practice Complaint and a Motion for a Decision on the Pleadings, in the above-referenced case. The Complainant alleges that the District of Columbia Public Schools ("DCPS" or "Respondent") violated D.C. Code § 1-617.04 (a)(1) and (5) (2001 ed.) by failing to implement an arbitration award which rescinded the involuntary transfer of Ronald Hershner. (Compl. at p. 2). The Complainant is asking the Board to grant their request for a decision on the pleadings and order DCPS to: (1) immediately transfer Mr. Hershner to Duke Ellington School of the Arts; (2) pay attorney fees and costs; (3) post a notice to employees; and (4) cease and desist from violating the Comprehensive Merit Personnel Act.

DCPS filed an answer to the Complaint. DCPS does not deny WTU's claim. Instead, DCPS asserts that extenuating circumstances have prevented the school system from returning Mr. Hershner to Duke Ellington School of the Arts. As a result, DCPS has requested that the Board dismiss the Complaint. In addition, DCPS filed a response opposing the Complainant's "Motion for a Decision on the Pleadings." The Complaint and WTU's motion are before the Board for disposition.

Decision and Order
PERB Case No. 04-U-01
Page 2

II. Discussion

In July 2001, DCPS involuntarily transferred nine teachers, including math teacher Ronald Hershner, from their positions at Duke Ellington School of the Arts ("Ellington"). WTU filed a grievance concerning these transfers. On September 21, 2002, Arbitrator Marvin Johnson issued an award. The Arbitrator found that four of the nine teachers had been involuntarily transferred in violation of the parties' collective bargaining agreement. With regard to Mr. Hershner, the Arbitrator concluded that "DCPS involuntarily transferred Mr. Hershner for reasons of discipline and performance in violation of the parties' agreement." (Award at p. 34). In view of the above, the Arbitrator ordered that "Ms. Johnson, Ms. Coleman, Mr. Hershner and Mr. Harris ... be offered the option of being transferred back to Ellington for the 2002-2003 school year." (Award at p. 38). Three of these individuals, including Mr. Hershner, opted to return to Ellington. On December 16, 2002, two of these teachers were returned to Ellington. However, to date, Mr. Hershner has not been returned to Ellington. Instead, Mr. Hershner remains at Woodrow Wilson Senior High School, where he was involuntarily transferred in 2001. (Compl. at p. 2).

WTU asserts that DCPS' failure to implement the arbitration award constitutes a violation of D.C. Code § 1-617.04(a)(1) and (5) (2001 ed.).¹ As a result, WTU filed an unfair labor practice complaint. Also, WTU claims that DCPS acknowledges that they have failed to implement the award. Therefore, WTU is requesting that the Board issue a decision on the pleadings. Furthermore, WTU is requesting that the Board order DCPS to: (1) comply with the terms of the award; (2) pay attorney fees and costs; (3) cease and desist from violating the Comprehensive Merit Personnel Act ("CMPA"); and (4) post a Notice.

DCPS filed an answer to the unfair labor practice complaint denying that it violated the CMPA. In addition, DCPS filed a response opposing the Complainant's "Motion for a Decision on the Pleadings."

DCPS does not dispute the factual allegations underlying the asserted statutory violation. Instead, DCPS claims that "the Complainant's unfair labor practice complaint should be dismissed because the Complainant fails to state an unfair labor practice for which relief [can] be granted." (Answer at p. 4) [Furthermore, DCPS asserts that it] has complied with the Arbitrator's Award.

¹D.C. Code § 1-617.04(a)(1) and (5) provide as follows:

(a) The District, its agents, and representatives are prohibited from:

(1) Interfering, restraining, or coercing any employee in the exercise of the rights guaranteed by this subchapter;

• • •

(5) Refusing to bargain collectively in good faith with the exclusive representative.

Decision and Order

PERB Case No. 04-U-01

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[DCPS contends that] the teachers were given the option of returning to Duke Ellington. [Consistent with the award, DCPS claims that] three teachers opted to return to Duke Ellington and two were returned. [However,] Mr. Hershner was not returned due to extenuating circumstances and reasons unrelated to the Duke Ellington Arbitration Decision and Award. [Specifically,] DCPS contends that after the award was issued, a parent came forward alleging that Mr. Hershner had an inappropriate relationship with her daughter while she was attending Duke Ellington during the 1999-2000 school year." (Answer at p. 4). Also, DCPS claims that "the [complaining] parent has a younger daughter who currently attends [Ellington]. [In addition, the parent] has expressed concerns for the younger daughter. [In light of the above,] the parent does not want Mr. Hershner to return to Ellington." (DCPS' Response to Motion at p. 2). For the above-noted reasons, DCPS is requesting that the complaint be dismissed.

After reviewing the pleadings, we believe that the material issues of fact and supporting documentary evidence are undisputed by the parties. As a result, the alleged violations do not turn on disputed material issues of fact, but rather on a question of law. Therefore, pursuant to Board Rule 520.10, this case can appropriately be decided on the pleadings.

The Board has previously considered the question of whether the failure to implement an arbitrator's award constitutes an unfair labor practice. In American Federation of Government Employees, Local 872, AFL-CIO v. D.C. Water and Sewer Authority, 46 DCR 4398, Slip Op. No. 497, PERB Case No. 96-U-23 (1996), the Board held for the first time that "when a party simply refuses or fails to implement an award or negotiated agreement where no dispute exists over its terms, such conduct constitutes a failure to bargain in good faith and, thereby, an unfair labor practice under the CMPA." Slip Op. at p. 3. In addition, the Board has noted that an agency waives its right to appeal an arbitration award when it fails to file: (1) a timely arbitration review request with the Board; and (2) for judicial review of the award, pursuant to D.C. Code § 1-617.13 (c) (2001 ed.). See, AFGE, Local 2725 v. D.C. Housing Authority, 46 DCR 6278, Slip Op. No. 585 at p. 5, PERB Case Nos. 98-U-20, 99-U-05 and 99-U-12 (1999). Furthermore, the Board has determined that if an agency waives its right to appeal an arbitration award, "no legitimate reason exists for [the agency's] on-going refusal to implement the award and . . . [the agency's] refusal to do so [constitutes] a failure to bargain in good faith in violation of D.C. Code § 1-617.04 (a)(1) and (5)." American Federation of Government Employees, Local 2725 v. D.C. Housing Authority, 46 DCR 8356, Slip Op. No. 597 at p. 2, PERB Case No. 99-U-23 (1999).

In the present case, DCPS acknowledges that the September 21, 2002 arbitration award has not been fully implemented. Specifically, DCPS contends that Ms. Johnson, Ms. Coleman, and Mr. Harris were offered the option to return to Ellington. Furthermore, Mr. Harris and Ms. Johnson were returned to Ellington in December 2002.² However, DCPS claims that extenuating circumstances have prevented the school system from returning Mr. Hershner to Ellington. Specifically, on November 4, 2002, a parent came forward alleging that during the 1999-2000 school year, Mr. Hershner had an inappropriate relationship with her daughter while she was attending Ellington. DCPS claims that the student alleged that Mr. Hershner would ask her to go for walks in the park

²Ms. Coleman declined the offer to return to Ellington.

Decision and Order

PERB Case No. 04-U-01

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and that he took her to Starbucks during school hours. (Answer at p. 4) In addition, the student alleged that Mr. Hershner: (1) made a comment about how good her body was; (2) took pictures of her while she was in class; and (3) gave her a book in which he wrote his e-mail address, home telephone number and home address. (Answer at p. 4) Also, DCPS contends that after Mr. Hershner was transferred to Woodrow Wilson Senior High School, he attended all of the student's recitals and showed up at her prom and approached her. (Answer at p. 4) The student has graduated from Duke Ellington; however, she claims that Mr. Hershner continues to attempt to contact her. For example, it is alleged that Mr. Hershner sent her an e-mail while she was at the University of North Carolina. (Answer at p. 4).

DCPS claims that its EEO office conducted an investigation and found that Mr. Hershner had acted inappropriately toward the student. DCPS contends that based on these findings, it was determined that Mr. Hershner would not be returned to Duke Ellington. (DCPS' Response to Motion at p. 4) Furthermore, DCPS asserts that as the government agency charged with the care, safety, and academic growth of children, it has a duty to its students. Specifically, DCPS claims that it has a responsibility to reduce the risk of exposing children to potential harm. Also, DCPS contends that the parent stated that she does not want Mr. Hershner returned to Ellington because she has another daughter currently attending the school. In addition, DCPS asserts that the parent is concerned that Mr. Hershner might try to use her younger daughter to get to her other daughter. In view of the above, DCPS is requesting that the Complainant's unfair labor practice complaint be dismissed for failure to state a claim upon which relief can be granted.

After reviewing DCPS' arguments, we recognize the sensitive nature of the current situation. Unfortunately, the allegations concerning Mr. Hershner's improper conduct occurred after the award was issued. As a result, we believe that DCPS' reasons for failing to implement the terms of the award do not constitute a genuine dispute over the terms of the September 21, 2002 award. Furthermore, DCPS has waived its right to appeal the arbitration award by failing to file either a timely arbitration review request with the Board or a petition for review with the D.C. Superior Court. As a result, the Board opines that DCPS has no "legitimate reason" for its on-going refusal to implement the award. As such, we conclude that DCPS' actions constitute a violation of its duty to bargain in good faith, as codified under D.C. Code § 1-617.04(a)(5) (2001 ed.). Furthermore, we find that by these same acts and conduct, DCPS' failure to bargain in good faith with WTU constitute, derivatively, interference with bargaining unit employees' rights in violation of D.C. Code § 1-617.04(a)(1) (2001 ed.). See, Committee of Interns and Residents v. D.C. General Hospital, 43 DCR 1490, Slip Op. No. 456, PERB Case No. 95-U-01.

Concerning the Complainant's request for attorney fees, the Board has held that D.C. Code § 1-617.13 does not authorize it to award attorney fees. See, e.g., International Brotherhood of Police Officers, Local 1446, AFL-CIO/CLC v. District of Columbia General Hospital, 39 DCR 9633, Slip Op. No. 322, PERB Case No. 91-U-14 (1992). Therefore, the Complainant's request for attorney fees is denied. See, University of the District of Columbia Faculty Association, NEA v. University of the District of Columbia, 38 DCR 2463, Slip Op. No. 272, PERB Case No. 90-U-10 (1991).

As to the Complainant's request for reasonable costs, the Board first addressed the circumstances under which the awarding of costs to a party may be warranted in AFSCME, D.C.

Decision and Order
PERB Case No. 04-U-01
Page 5

Council 20, Local 2776 v. D.C. Dept. of Finance and Revenue, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990). In that case the Board observed:

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued. We do not believe it possible to elaborate in any one case a complete set of rules or earmarks to govern all cases, nor would it be wise to rule out such awards in circumstances that we cannot foresee. What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive bargaining representative. Slip Op. No. 245, at p.5.

In cases which involve an agency's failure to implement an arbitration award, the Board has been reluctant to award costs. See, AFGE, Local 2725 v. D.C. Housing Authority, 46 DCR 6278, Slip Op. No. 585 at p. 5, PERB Case Nos. 98-U-20, 99-U-05 and 99-U-12 (1999). However, the Board has awarded costs when an agency has demonstrated a pattern and practice of refusing to implement arbitration awards. See, AFGE, Local 2725 v. D.C. Housing Authority, 46 DCR 8356, Slip Op. No. 597, PERB Case No. 99-U-33 (1991).

In the present case, the Complainant has not asserted that DCPS has engaged in a pattern and practice of refusing to implement arbitration awards. As a result, we believe that the interest-of-justice criteria articulated in the AFSCME case, would not be served by granting the Complainant's request for reasonable costs. Therefore, we deny the Complainant's request for reasonable costs.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Washington Teachers' Union (WTU), Local #6, American Federation of Teachers (WTU), "Motion for a Decision on the Pleadings," is granted.
2. The District of Columbia Public Schools' (DCPS) request that the complaint be dismissed is denied.
3. DCPS, its agents and representatives shall cease and desist from refusing to bargain in good faith with WTU by failing to implement the September 21, 2002 arbitration award rendered pursuant to the negotiated provisions of the parties' collective bargaining agreement.
4. DCPS, its agents and representatives shall cease and desist from interfering, restraining or coercing its employees by engaging in acts and conduct that abrogate employees' rights guaranteed by "Subchapter XVIII. Labor-Management Relations" of the Comprehensive Merit Personnel Act (CMPA), to bargain collectively through representatives of their own

Decision and Order

PERB Case No. 04-U-01

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choosing.

5. DCPS shall, in accordance with the terms of the award, fully implement, forthwith, the arbitration award.
6. WTU's request for costs and attorney fees are denied for the reasons stated in this Opinion.
7. DCPS shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice. The Notice shall be posted where notices to bargaining unit employees are customarily posted. The Notice shall remain posted for thirty (30) consecutive days.
8. Within fourteen (14) days from the issuance of this Decision and Order, DCPS shall notify the Public Employee Relations Board ("PERB"), in writing, that the Notice has been posted. Also, DCPS shall notify PERB of the steps it has taken to comply with paragraphs 5 and 7 of this Order.
9. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC RELATIONS BOARD
Washington, D.C.

March 12, 2004



Public
Employee
Relations
Board

MAY 14 2004

Government of the
District of Columbia

415 Twelfth Street, N.W.
Washington, D.C. 20004
[202] 727-1822/23
Fax: [202] 727-9116



NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 741, PERB CASE NO. 04-U-01 (March 12, 2004)

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered us to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by the actions and conduct set forth in Slip Opinion No. 741.

WE WILL cease and desist from refusing to bargain in good faith with the Washington Teachers' Union, Local #6, American Federation of Teachers, by failing to implement arbitration awards rendered pursuant to the negotiated provisions of the parties' collective bargaining agreement over which no genuine dispute exists over the terms.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce, employees in their exercise of rights guaranteed by the Labor-Management subchapter of the District of Columbia Comprehensive Merit Personnel Act.

District of Columbia Public Schools

Date: _____

By: _____
Superintendent

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 717 14th Street, N.W., Suite 1150, Washington, D.C. 20005. Phone: (202) 727-1822.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.
March 12, 2004

Government of the District of Columbia
Public Employee Relations Board

_____)	
In the Matter of:)	
)	
American Federation of Government)	
Employees, Local 2725,)	
)	
)	
Complainant,)	PERB Case No. 03-U-18
)	
)	Opinion No. 742
)	
v.)	FOR PUBLICATION
)	
District of Columbia Department of Health,)	
)	
)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case:

On March 11, 2003, the American Federation of Government Employees, Local 2725 ("Complainant", "AFGE" or "Union"), filed an Unfair Labor Practice Complaint, in the above-referenced case. The Complainant alleges that the District of Columbia Department of Health ("Respondent" or "DOH") violated D.C. Code § 1-617.04 (a)(5) (2001 ed.) by failing to comply with the terms of a negotiated settlement agreement. (Compl. at p. 2).

DOH filed an answer to the Complaint denying that it violated the Comprehensive Merit Personnel Act. As a result, DOH has requested that the Board dismiss the Complaint. The Complaint is before the Board for disposition.

II. Discussion

AFGE contends that Nicholas Kauffman was hired by DOH as a DS-9 environmental specialist. Subsequently, Mr. Kauffman was detailed to an unclassified position of higher responsibility and authority. Mr. Kauffman's detail was for more than ninety days. As a result, AFGE asserts that Mr. Kauffman should have been compensated at a higher grade. However, AFGE claims that DOH did not adjust Mr. Kauffman's salary. AFGE contends that DOH's actions violate the parties' collective bargaining agreement. In view of the above, AFGE filed a grievance on behalf

Decision and Order
PERB Case No. 03-U-18
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of Mr. Kauffman in May 2001. AFGE claims that at Step 2 of the grievance, DOH granted partial relief to the Grievant by agreeing to promote him from a DS Grade 9 to a DS Grade 11. (Compl. at p. 1). Despite the promotion, AFGE asserts that the grievance was not completely resolved at Steps 2 and 3 of the grievance process. Therefore, AFGE filed a Step 4 grievance. AFGE contends that prior to the disposition of the Step 4 grievance, the parties negotiated a settlement agreement. The settlement agreement was signed by DOH's Director on April 29, 2002 and was signed by both the Union and the Grievant in May 2002. (Compl. at p. 2) The settlement agreement "provides for back pay and establishment of a career ladder from DS-1301-11 to DS-1301-12, and DS-1301-13 for the Complainant's position description." (Answer at p. 3). In addition, paragraph two of the agreement provides that within 60 days of the execution of the agreement: (1) Mr. Kauffman shall receive his back pay and (2) DOH shall establish a career ladder description for the employee's position. However, to date, DOH has not complied with the terms of the settlement agreement.

AFGE asserts that DOH's failure to comply with the terms of the settlement agreement constitutes a violation of D.C. Code § 1-617.04(a)(5) (2001 ed.).¹ (Compl. at p.2). As a result, AFGE filed an unfair labor practice complaint. AFGE is requesting that the Board order DOH to: (1) comply with the terms of the settlement agreement; (2) pay costs; (3) cease and desist from violating the Comprehensive Merit Personnel Act ("CMPA"); and (4) post a Notice to employees.

DOH filed an answer to the unfair labor practice complaint denying that it violated the CMPA. DOH does not dispute the factual allegations underlying the asserted statutory violation. Instead, DOH claims that the agency's Director "submitted memoranda dated January 15, 2003, February 14, 2004, and March 3, 2003, requesting preparation of the appropriate documentation to effectuate compliance with the terms of the alleged Settlement Agreement. In addition, [the Respondent asserts that its Director] has signed a 'Request for Personnel Action' to effect the back pay for the Complainant." (Answer at p. 4). For the above-noted reasons, DOH is requesting that the complaint be dismissed.

¹D.C. Code § 1-617.04(a)(5) provides as follows:

(a) The District, its agents, and representatives are prohibited from:

• • •

(5) Refusing to bargain collectively in good faith with the exclusive representative.

Decision and Order
PERB Case No. 03-U-18
Page 3

After reviewing the pleadings, we believe that the material issues of fact and supporting documentary evidence are undisputed by the parties.² As a result, the alleged violations do not turn on disputed material issues of fact, but rather on a question of law. Therefore, pursuant to Board Rule 520.10, this case can appropriately be decided on the pleadings.³

The Board has previously considered the question of whether the failure to comply with the terms of a negotiated settlement agreement constitutes an unfair labor practice. In Teamsters, Local Union No. 639 and 730, IBTCWHA v. District of Columbia Public Schools, 43 DCR 6633, Slip Op. No. 400 at p.7, PERB Case No. 93-U-29 (1994), the Board observed that “[i]f an employer has entirely failed to implement the terms of a negotiated or arbitrated agreement, such conduct constitutes a repudiation of the collective bargaining process and a violation of the duty to bargain.” In addition, the Board has held that “when a party simply refuses or fails to implement an award or negotiated agreement where no dispute exists over its terms, such conduct constitutes a failure to bargain in good faith and, thereby, an unfair labor practice under the CMPA.” American Federation of Government Employees, Local 872, AFL-CIO v. D.C. Water and Sewer Authority, 46 DCR 4398, Slip Op. No. 497 at p. 3, PERB Case No. 96-U-23 (1996).

In the present case, DOH acknowledges the existence of the settlement agreement. Furthermore, DOH does not dispute the factual allegations underlying the asserted statutory violation. Instead, DOH claims that DOH’s Director “submitted memoranda dated January 15, 2003, February 14, 2004, and March 3, 2003, requesting preparation of the appropriate documentation to effectuate compliance with the terms of the alleged Settlement Agreement. In addition, [the Respondent asserts that its Director] has signed a ‘Request for Personnel Action’ to effect the back pay for the Complainant.” (Answer at p. 4). For the above-noted reasons, DOH is requesting that the complaint be dismissed, despite the undisputed fact that most of the terms of the settlement agreement remain unfulfilled. In addition, DOH offers no further explanation for its failure to fully comply with the terms of the settlement agreement.

After reviewing DOH’s arguments, we have determined that DOH’s reasons for failing to

²The Respondent claims that the “Settlement Agreement contains a determination that the grievance would be partially resolved upon [Mr. Kauffman’s] promotion to DS-grade 11.” (Answer at p. 3. However, we did not find this language in the settlement agreement. Therefore, there is no genuine dispute concerning the terms of the settlement agreement.

³At the parties request, this matter was held in abeyance from July 31, 2003 until February 7, 2004, in order to allow the parties an opportunity to resolve this matter. However, on February 10, 2004, AFGE informed the Board that there “has been no viable progress in compliance with the Step 4 Settlement Agreement.” As a result, AFGE requested that a hearing be scheduled as soon as possible. For the reasons noted above, this case can be decided on the pleadings. Therefore, it is not necessary to consider AFGE’s request for a hearing.

Decision and Order

PERB Case No. 03-U-18

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comply with the terms of the negotiated settlement agreement do not constitute a genuine dispute over the terms of the settlement agreement; but, rather a flat refusal to comply with the negotiated grievance settlement. As a result, we believe that DOH has no "legitimate reason" for its on-going refusal to comply with the settlement agreement. As such, we conclude that DOH's actions constitute a violation of its duty to bargain in good faith, as codified under D.C. Code § 1-617.04(a)(5) (2001 ed.). Furthermore, we find that by these same acts and conduct, DOH's failure to bargain in good faith with AFGE constitute, derivatively, interference with bargaining unit employees' rights in violation of D.C. Code § 1-617.04(a)(1) (2001 ed.). See, Committee of Interns and Residents v. D.C. General Hospital, 43 DCR 1490, Slip Op. No. 456, PERB Case No. 95-U-01.

As to the Complainant's request for reasonable costs, the Board first addressed the circumstances under which the awarding of costs to a party may be warranted in AFSCME, D.C. Council 20, Local 2776 v. D.C. Dept. of Finance and Revenue, 37 DCR 5658, Slip Op. No. 245, PERB Case No. 89-U-02 (1990). In that case the Board observed:

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued. We do not believe it possible to elaborate in any one case a complete set of rules or earmarks to govern all cases, nor would it be wise to rule out such awards in circumstances that we cannot foresee. What we can say here is that among the situations in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive bargaining representative. Slip Op. No. 245, at p.5.

In cases which involve an agency's failure to implement an arbitration award or a negotiated settlement, the Board has been reluctant to award costs. See, AFGE, Local 2725 v. D.C. Housing Authority, 46 DCR 6278, Slip Op. No. 585 at p. 5, PERB Case Nos. 98-U-20, 99-U-05 and 99-U-12 (1999). However, the Board has awarded costs when an agency has demonstrated a pattern and practice of refusing to implement arbitration awards or negotiated settlements. See, AFGE, Local 2725 v. D.C. Housing Authority, 46 DCR 8356, Slip Op. No. 597, PERB Case No. 99-U-33 (1991).

In the present case, the Complainant has not asserted that DOH has engaged in a pattern and practice of refusing to implement arbitration awards or negotiated settlements. Nor has any other persuasive case been made to justify the awarding of costs. As a result, we believe that the interest-of-justice criteria articulated in the AFSCME case, would not be served by granting the Complainant's request for reasonable costs. Therefore, we deny the Complainant's request for reasonable costs.

Decision and Order
PERB Case No. 03-U-18
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ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of Health (DOH), its agents and representatives shall cease and desist from refusing to bargain in good faith with the American Federation of Government Employees, Local 2725 (AFGE), by failing to comply with the terms of the negotiated settlement agreement rendered pursuant to the negotiated provisions of the parties' collective bargaining agreement.
2. DOH, its agents and representatives shall cease and desist from interfering, restraining or coercing its employees by engaging in acts and conduct that abrogate employees' rights guaranteed by "Subchapter XVIII Labor-Management Relations", of the Comprehensive Merit Personnel Act, to bargain collectively through representatives of their own choosing.
3. DOH shall fully implement the terms of the negotiated settlement agreement.
4. AFGE's request for costs is denied for the reasons stated in this Opinion.
5. DOH shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice where notices to bargaining-unit employees are customarily posted. The Notice shall remain posted for thirty (30) consecutive days.
6. Within fourteen (14) days from the issuance of this Decision and Order, DOH shall notify the Public Employee Relations Board ("PERB"), in writing, that the Notice has been posted accordingly. Also, DOH shall notify PERB of the steps it has taken to comply with paragraphs 3 and 5 of this Order.
7. Pursuant to Board Rule 559.2, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC RELATIONS BOARD
Washington, D.C.

March 31, 2004



Public Employee Relations Board

Government of the District of Columbia

415 Twelfth Street, N.W. Washington, D.C. 20004 [202] 727-1822/23 Fax: [202] 727-9116



NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF HEALTH, THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 742, PERB CASE NO. 03-U-18 (March 31, 2004)

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered us to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by the actions and conduct set forth in Slip Opinion No. 742.

WE WILL cease and desist from refusing to bargain in good faith with the American Federation of Government Employees, Local 2725, AFL-CIO, by failing to comply with the terms of a negotiated settlement agreement rendered pursuant to the negotiated provisions of the parties' collective bargaining agreement over which no genuine dispute exists over the terms.

WE WILL NOT, in any like or related manner, interfere, restrain or coerce, employees in their exercise of rights guaranteed by Subchapter XVII-Labor-Management Relations, of the District of Columbia Comprehensive Merit Personnel Act.

District of Columbia Department of Health

Date: _____

By: _____

Director

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 717 14th Street, N.W., Suite 1150, Washington, D.C. 20005. Phone: (202) 727-1822.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.
March 31, 2004**

Office of the Deputy Mayor for Public Safety and Justice**Public Notice of Funding Availability****District Opportunities**

Juvenile Justice Challenge Activities Grants. *The Justice Grants Administration in the Office of the Deputy Mayor for Public Safety and Justice* announces the availability of federal grant funds under the fiscal year 2005 Challenge Activities Grants Program. This program provides funding for increasing aftercare services for juveniles in the justice system by establishing programs and developing and adopting policies to provide comprehensive health, mental health, education, family, and vocational services to youth upon release from the juvenile justice system. Eligible applicants include units of general local government, District of Columbia agencies or qualified community-based organizations located in the District of Columbia. The Request for Applications (RFA) will be available at 9:00 a.m. on Monday, May 17, 2004, and may be picked up at the front desk of the Justice Grants Administration in the Office of the Deputy Mayor for Public Safety and Justice, 1350 Pennsylvania Avenue, NW, Suite 327, Washington, DC 20004. The deadline for applications is 5:00 p.m. on Friday, June 18, 2004. For more information, contact Nakeisha Neal, Juvenile Justice Specialist, Justice Grants Administration, Office of the Deputy Mayor for Public Safety and Justice at (202) 727-9541 or nakeisha.neal@dc.gov.

Office of the Deputy Mayor for Public Safety and Justice**Public Notice of Funding Availability****District Opportunities**

Title II Juvenile Justice Grants. *The Justice Grants Administration in the Office of the Deputy Mayor for Public Safety and Justice* announces the availability of federal grant funds under the fiscal year 2005 Title II Juvenile Justice Grants Program. Program priorities include delinquency prevention, efforts to ensure that minority youth do not disproportionate contact with the juvenile justice system, advocacy focused on improving services for and protecting the rights of youth affected by the juvenile justice system and aftercare services for youth leaving the juvenile justice system. Eligible applicants include units of general local government, District of Columbia agencies and qualified community-based organizations located in the District of Columbia. The Request for Applications (RFA) will be available at 9:00 a.m. on Monday, May 17, 2004, and may be picked up at the front desk of the Justice Grants Administration in the Office of the Deputy Mayor for Public Safety and Justice, 1350 Pennsylvania Avenue, NW, Suite 327, Washington, DC 20004. The deadline for applications is 5:00 p.m. on Friday, June 18, 2004. For more information, contact Nakeisha Neal, Juvenile Justice Specialist, Justice Grants Administration, Office of the Deputy Mayor for Public Safety and Justice at (202) 727-9541 or nakeisha.neal@dc.gov

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17060 of Fuad Alykhan, pursuant to 11 DCMR § 3103.2, for a variance from the nonconforming structure provisions under section 2001.3, to allow a second story rear deck addition to a single family row dwelling not meeting the lot occupancy requirements or rear yard requirements in the C-1 District at premises 2609 P Street, N.W. (Square 1265, Lot 95).

HEARING DATE: October 21, 2003
DECISION DATE: November 4, 2003

DECISION AND ORDER

The application was submitted on July 18, 2003 by Christian Zapatka, an architect, and authorized agent for the property owner, Fuad Alykhan (the applicant). Following a hearing on October 7, 2003, the Board of Zoning Adjustment (the Board) voted to approve the variance.

PRELIMINARY MATTERS

The application The original application requested relief from the nonconforming structure provisions under section 2001.3, but only from the provision under subsection 2001.3(a) limiting lot occupancy to 60%. However, granting the application also requires relief from the provision under subsection 2001.3(b) encompassing the extension of the non-conforming rear yard. Therefore, the application was treated as seeking relief under this provision as well.

Notice of Public Hearing Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the applicant, all owners of property within 200 feet of the subject site, the Advisory Neighborhood Commission (ANC) 2E, and the District of Columbia Office of Planning (OP). The applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect.

ANC 2E The subject site is located within the jurisdiction of ANC 2E, which is automatically a party to this application. In its report dated October 2, 2003, ANC 2E indicated that at a regularly scheduled monthly meeting with a quorum present, it voted that it was "unable to support the variance requested". The ANC stated that its report was based upon "concerns regarding impairment of privacy recently expressed by the neighbor whose property abuts the rear of the property at 2609 P Street".

Requests for Party Status The Board received three requests for party status from neighboring property owners: a request from Kent Ozkum and William Morrow as

proponents (Exhibit 21), and requests from Kevin Keelty (Exhibit 23) and Milton Gottesman, (Exhibit 22) in opposition. However, Mr. Gottesman was the only person requesting party status who appeared at the public hearing. Therefore, the Board considered his request for party status and denied the others. Because Mr. Gottesman's property (the Gottesman property) abuts the applicant's property to the rear and he could be uniquely affected by the proposed deck, and because there was no objection to his request, the Board granted him party status in the proceeding.

Persons in Support Several other neighboring property owners submitted letters in support of the application (See Exhibits 26 and 27).

Government Reports

OP Report OP submitted a report in support of the application (Exhibit 25). In addition, Travis Parker, the OP representative who prepared the report, testified at the public hearing in support of the variance application.

Commission of Fine Arts Because the subject property is located in an historic district, the proposed project was reviewed by the Commission on Fine Arts and the report was submitted by the applicant (appended to Exhibit 3 of the applicant's statement). The report noted that the Commission had no objection to the concept design for the proposed rear deck addition, alterations to the rear window, or a proposed new masonry opening for French doors to the rear deck. It did object to the proposed design concept for a new front door.¹

FINDINGS OF FACT

1. The subject property is an existing three-story row dwelling built in 1890 and located at 2609 P Street, N.W. in a C-1 (commercial) zone on a small lot. It is also in the Georgetown Historic District.
2. Properties on both sides of P Street on this block are also zoned C-1 (commercial). The subject property is the only property on this block of P Street that is used solely for residential purposes, and has been recently renovated and modernized for sole residential use.
3. A one-story high brick wall extends along the rear property line of the buildings fronting on this block of P Street – including the rear property line of the subject dwelling. The rear ell on all but one of the P Street buildings extend to within a few

¹ The front door proposal has no bearing on this variance application.

feet of the wall. The result is that each of these P Street properties has a small, sunless, nearly inaccessible rear yard. However, the impact stemming from the rear yard conditions is unique to this one property because of its residential nature. Because the other buildings are used for commercial purposes (at least in part), the rear yards are used only for storage or trash collection, not living or recreation.

4. The Gottesman property (abutting the subject property to the rear at 1504 26th Street, NW) has a rear yard of more than 100 square feet, a large portion of which is used for a garden and patio. In addition to abutting the subject property, the Gottesman property also abuts 7 other properties and is separated from the subject property by a 7 to 8 feet fence.
5. The applicant proposes to construct a wooden deck at the second floor rear of the dwelling in order to provide accessible outdoor space for the dwelling. The deck would measure 9 feet 8 inches by 4 feet 5 inches, approximately 50 square feet in area, and would fill the existing footprint of the dwelling at the second story level.
5. Because the deck would increase the lot occupancy to 546.5 square feet (beyond the 60% lot occupancy permitted under the Zoning Regulations), the applicant would be enlarging the already non-conforming structure beyond what is permitted under § 2001.3(a) of the Regulations. The proposed deck would also require relief under § 2001.3(b) of the Regulations. Although the proposed deck would not change the existing 4 feet setback, it would extend this non-conformity.

CONCLUSIONS OF LAW

The Board is authorized under § 8 of the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797, 799), as amended; D.C. Official Code § 6-641.07(g)(3)(2001), to grant variances from the strict application of the Zoning Regulations. As stated above, the applicant here seeks relief from the non-conforming structure provisions under § 2001.3 to allow a second story rear deck to a single family dwelling not meeting the lot occupancy or rear yard requirements.

Under the three-prong test for area variances set out in 11 DCMR § 3103.2, an applicant must demonstrate that (1) the property is unique because of its size, shape, topography, or other extraordinary or exceptional situation or condition inherent in the property; (2) the applicant will encounter practical difficulty if the Zoning Regulations are strictly applied; and (3) the requested variances will not result in substantial detriment to the public good or the zone plan. *See Gilmartin v. District of Columbia Bd. of Zoning Adjustment*, 579 A.2d 1164, 1167 (D.C. 1990). In order to prove "practical difficulties," an applicant must demonstrate first, that compliance with the area restriction would be unnecessarily burdensome; and, second, that the practical difficulties are unique to the particular property. *Id.* At 1170.

Applying this test to this request, the Board agrees with OP that, due to a combination of existing conditions at the property and the use of neighboring properties, an exceptional situation exists at the subject property. The building is the only one on this portion of P Street that is used solely as a residence. Because it is situated on a small, landlocked, sunless lot, the rear yard is not usable for residential purposes.

The exceptional situation at the property results in a practical difficulty in that the existing rear yard is unusable for any outdoor or recreational purposes associated with residential use. Constructing the second story deck is the only feasible means to create outdoor space with light and air.

The Board credits OP's conclusion that the relief requested will not be a substantial detriment to the public good or substantially impair the intent, purpose or integrity of the zoning plan. The proposed deck will provide the benefit of open recreation space intended by the Zoning Regulations, but prevented by the existing conditions. In addition, the proposed deck is consistent with the "moderate density residential" use designation for this area in the Generalized Land Use Map. Finally, the Commission on Fine Arts design concept approval indicates that the proposed renovation will blend harmoniously in the Historic District.

While Mr. Gottesman contends that the proposed deck would adversely impact on the quiet enjoyment of his property and disturb his privacy, the Board is not persuaded that this is so. First, Mr. Gottesman's property has a comparatively large rear yard (Finding of Fact 4). Therefore, a large portion of his yard would not be in close proximity to the applicant's property. In addition, Mr. Gottesman's property abuts several other properties as well as the applicant's property, and each of these properties has windows that permit a view onto the edges of the Gottesman property. There is no evidence to suggest that Mr. Gottesman's privacy would be disturbed any more by the proposed second story deck than it would as a result of the windows at the second and third story levels of the other neighboring buildings. Finally, the Gottesman property has a 7 to 8 foot fence erected at the rear property that buffers it from other properties to the rear, including the applicant's property (Finding of Fact 4). Mr. Gottesman maintained that the proposed deck would permit persons to peer into the rear of his yard. However, as pointed out by the applicant, that would be improbable since the deck would be located 4 feet from the property.

As to Mr. Gottesman's claim of increased noise resulting from the deck, the Board cannot conclude that the resulting noise would be any greater than that associated with other outdoor use.

Finally, Mr. Gottesman contends that the proposed deck would result in a decline in his property values. However, he presented no substantive evidence to this effect, asserting

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only that it is "human nature" that the loss of privacy in his garden would result in a lower re-sale value of his residence.

The Board is required under D.C. Official Code § 1-309(d)(2001) to give "great weight" to the issues and concerns raised in the recommendations of the affected ANC. However, the ANC "stated only that it was "unable to support" the variance request due to Mr. Gottesman's concerns. As explained more fully above, the Board has carefully considered each of the issues raised by Mr. Gottesman, but is not persuaded by his claims.

In reviewing a variance application, the Board is also required under D.C. Official Code § 6-623.04 (2001) to give "great weight" to OP recommendations. For the reasons stated in this Decision and Order, the Board finds OP's advice to be persuasive.

Therefore, for the reasons stated above, it is hereby **ORDERED** that the application is hereby **GRANTED** to allow zoning relief from the requirements under § 2001.3, pertaining to non-conforming structures to allow the construction of the proposed second story deck.

VOTE: 5-0-0 (Carol J. Mitten, David A. Zaidain, Geoffrey H. Griffis, Ruthanne G. Miller to approve, Curtis L. Etherly, Jr. to approve by absentee ballot)

Vote taken on November 4, 2003

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member has approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: APR 29 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

BZA APPLICATION NO. 17060

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PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. SG/RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17142 of Joseph F. and Sandra L. Reid, pursuant to 11 DCMR § 3104.1, for a special exception to allow an accessory garage addition to an existing single-family row dwelling under section 223, not meeting the lot occupancy requirements (section 403), in the R-4 District at premises 639 A Street, N.E. (Square 868, Lot 42).

Note: The Applicant's plans for the accessory garage were amended, at the request of the Board, to reduce the number of stories from two to one, bringing the structure into compliance with subsection 2500.4.

HEARING DATE: April 13, 2004

DECISION DATE: April 27, 2004

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 6C and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6C, which is automatically a party to this application. ANC 6C submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under § 223. No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223, that the requested relief can be

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granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED**.

VOTE: 4-0-1 (Ruthanne G. Miller, John A. Mann II, and Anthony J. Hood to approve, Geoffrey H. Griffis to approve by proxy, Curtis L. Etherly, Jr. not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 29 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL

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COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17153 of Kenneth and Susan Rosenau, pursuant to 11 DCMR § 3104.1, for special exceptions to allow a home occupation (law office comprising 1,125 square feet, and employing two paralegals or clerks who do not reside on the premises) under subsections 203.4(b) and (d) and 203.10(b), on the first floor and part of the second floor of a flat (two-family dwelling) in the R-5-B District at premises 1304 Rhode Island Avenue, N.W. (Square 242, Lot 65).

HEARING DATE: April 27, 2004
DECISION DATE: April 27, 2004 (Bench Decision)

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the D.C. Register, and by mail to Advisory Neighborhood Commission (ANC) 2F and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 2F, which is automatically a party to this application. ANC 2F submitted a report in support of the application. The Office of Planning (OP) submitted a report in support of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under §§ 203.4(b) and (d) and 203.10(b). No parties appeared at the public hearing in opposition to this application or otherwise requested to participate as a party in this proceeding. Accordingly, as set forth in the provisions and conditions below, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the OP and ANC reports the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 203.4(b) and (d) and 203.10(b), that the requested relief can be granted, subject to the conditions set forth below, as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning

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Regulations and Map. Although not a condition of this order, the Board noted that employees shall be encouraged to use public transportation to and from work. Alternatively, the owner shall make arrangements for off-street parking when necessary.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application be **GRANTED** subject to the following **CONDITION**:

1. No signage shall be visible from the sidewalk.

VOTE: 3-0-2 (Geoffrey H. Griffis, Ruthanne G. Miller and John A. Mann II to approve, Curtis L. Etherly, Jr., and the Zoning Commission not present, not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Each concurring member approved the issuance of this order.

FINAL DATE OF ORDER: APR 29 2004

UNDER 11 DCMR 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN SIX MONTHS AFTER IT BECOMES EFFECTIVE UNLESS THE USE APPROVED IN THIS ORDER IS ESTABLISHED WITHIN SUCH SIX-MONTH PERIOD.

PURSUANT TO 11 DCMR § 3125 APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF THE HUMAN RIGHTS ACT OF 1977, D.C. LAW 2-38, AS AMENDED, AND THIS ORDER IS CONDITIONED UPON FULL

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COMPLIANCE WITH THOSE PROVISIONS. IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER. RSN

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