

## D.C. OFFICE OF PERSONNEL

## NOTICE OF FINAL RULEMAKING

The Acting Director, D.C. Office of Personnel, with the concurrence of the City Administrator, pursuant to Mayor's Order 2000-83, dated May 30, 2000, and in accordance with Title IV of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.01 *et seq.*) (2001), hereby gives notice that final rulemaking action was taken to adopt the following rules. These rules amend Chapter 4, *D.C. Personnel Regulations*, Organization for Personnel Management, to update the entire chapter. No comments were received under the notice of proposed rulemaking published at 50 DCR 10598 (12/12/03). Final rulemaking action was taken January 15, 2004.

## CHAPTER 4

## ORGANIZATION FOR PERSONNEL MANAGEMENT

*Chapter 4 of the D.C. personnel regulations is amended as follows:*

**400 APPOINTMENT AFFIDAVIT**

- 400.1 Each personnel authority shall designate in writing a person or persons authorized to administer the oath of office to each employee of an agency.
- 400.2 As provided in § 408 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.08) (2001), each covered employee of an agency shall swear or affirm to the following oath of office: "I, (employee's name), do solemnly swear (or affirm) that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States, and will faithfully discharge the duties of the office on which I am about to enter."
- 400.3 As part of the oath of office, each employee shall execute the following:
- (a) An affidavit stating: "I have not, nor has anyone acting in my behalf, given, transferred, promised, or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment;"  
and

- (b) An affidavit on the "Declaration of Appointee Form," stating: "The answers in the Declaration of Appointee are true and correct and I have read and understand the information thereon."
- 400.4 The appointee, on the "Declaration of Appointee Form," shall be required to provide information concerning the following:
- (a) Application for or receipt of an annuity under any District government civilian retirement system, or other compensation based upon District government service; and
- (b) Certification of notification of the prohibition to strike pursuant to § 1705 of the CMPA (D.C. Official Code § 1-617.05) (2001).
- 400.5 The provision in § 400.3(a) shall not be applicable to elected officials and members of boards and commissions.
- 400.6 Any individual initially appointed to the District government and any individual reappointed after a break in service of one (1) or more days shall take the oath of office and execute the appointment affidavit as soon as administratively practicable, but not later than thirty (30) days after the effective date of his or her appointment.
- 400.7 Any individual who refuses to swear or affirm to the oath of office as provided in §§ 400.2 or 400.6 shall not be appointed or shall have his or her appointment terminated.
- 400.8 The appointment of an employee may become effective before the oath of office (oath) is executed although he or she has no right to continued employment until the oath is executed. The oath, when executed, shall relate back to the date of entrance on duty so as to entitle the employee to pay from that date.
- 400.9 An individual who is retroactively restored to duty without a break in service shall not be required to execute a new appointment affidavit.
- 400.10 In the administration of the oath of office (oath), the following shall apply:
- (a) The oath may be administered on an individual or group basis;
- (b) The person administering the oath shall read the oath aloud to the appointee(s);
- (c) The appointee(s) taking the oath shall stand, raise his or her right hand, and repeat the oath aloud, except as provided in § 400.11;

- (d) The appointee(s), after taking the oath and in the presence of the person administering the oath, shall sign the appointment affidavit; and
- (e) The person administering the oath, upon signature by the appointee(s), shall sign the appointment affidavit.

- 400.11 When a group of appointees is taking the oath of office (oath), the person administering the oath may ask the appointees to swear or affirm to the oath by saying "yes" after the oath is read aloud to them.
- 400.12 The oath of office should be administered, if practicable, before the flags of the United States and District of Columbia.
- 400.13 The appointment affidavit shall be filed as a permanent record in each employee's official personnel folder and a copy filed with the employing agency.

#### **401 VARIATIONS**

- 401.1 The Director of Personnel is authorized to grant a variation from the letter of the D.C. personnel regulations (regulations) issued under the authority of the Mayor pursuant to § 404 of the CMPA (D.C. Official Code § 1-604.04) (2001) whenever there are practical difficulties and unnecessary hardships in complying with the strict letter of the regulations.
- 401.2 The Director of Personnel shall be authorized to grant a variation as specified in § 401.1 if:
- (a) Such a variation is within the spirit of the regulations;
  - (b) The efficiency of the District government is being protected and promoted; and
  - (c) The integrity of the Career, Legal, Excepted, Management Supervisory, or Executive Services, as applicable, is being protected and promoted.
- 401.3 Whenever a variation is granted, the Director of Personnel shall publish in the District Personnel Manual (or any other procedural manual developed) an issuance showing the following:
- (a) The particular practical difficulty or hardship involved;
  - (b) The variation being permitted, the difference from the requirements of the regulations, and to whom it applies;

- (c) The specific circumstances which protect or promote the efficiency of the District government and the integrity of a particular Service or Services; and
- (d) The steps that will be taken to limit the application of the variation only to the duration of the conditions that gave rise to it.

401.4 Like variations shall be granted whenever like conditions exist.

**499 DEFINITIONS**

499.1 When used in this chapter, the following terms have the meaning ascribed:

**Agency** – any unit of the District government, excluding the courts, required by law, by the Mayor of the District of Columbia, or by the Council of the District of Columbia (Council) to administer any law, rule, or any regulation adopted under authority of law. The term “agency” shall also include any unit of the District government created by the reorganization of one (1) or more of the units of an agency and any unit of the District government created or organized by the Council as an agency.

**Days** – calendar days, unless otherwise specified.

**Employee** – an individual who performs a function of the District government and who receives compensation for the performance of such services.

**Personnel authority** – an individual or entity with the authority to administer all or part of a personnel management program as provided in § 406 of the CMPA (D.C. Official Code § 1-604.06) (2001).

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

NOTICE OF FINAL RULEMAKING

TELEPHONE TARIFF 03-03, IN THE MATTER OF THE APPLICATION OF VERIZON-  
WASHINGTON, D.C., INC., FOR AUTHORITY TO AMEND THE LOCAL EXCHANGE  
SERVICES TARIFF, P.S.C. - D.C. -No. 202

1. The Public Service Commission of the District of Columbia ("Commission") hereby gives notice of its final rulemaking action, taken in Order No. 13039 (January 13, 2004), to approve the tariff application of Verizon Washington, D.C. Inc. ("Verizon DC")<sup>1</sup> to amend the following tariff pages:

**LOCAL EXCHANGE SERVICES TARIFF, P.S.C. - D.C.-No. 202**  
**Section 2, 3<sup>rd</sup> Revised Pages 2 and 3**  
**Original Page 8**

2. Through this tariff filing Verizon DC sought to increase the Business Message Unit rate by 8.97 percent and the monthly recurring rates for Business Message Rate Services by 9.92 percent.<sup>2</sup> The proposed tariff amendment also introduced a 24-month term option for Business Message Rate customers that results in an increase of 1.65 percent over current rates.<sup>3</sup> Because these services are classified as Basic Business Services under Plan 2002,<sup>4</sup> the rate increases are limited to an annual rate of 10 percent.<sup>5</sup>

3. A Notice of Proposed Rulemaking ("NOPR") inviting public comment was issued on August 29, 2003.<sup>6</sup> Comments from five Verizon DC customers were filed.<sup>7</sup> Subsequently, the

<sup>1</sup> *Telephone Tariff 03-3, In the Matter of the Application of Verizon Washington, D.C., Inc., for Authority to Amend the Local Exchange Services Tariff, P.S.C.-D.C.-No. 202*, Letter from J. Henry Ambrose, Vice President for Regulatory Matters of Verizon DC (August 4, 2003) ("Application").

<sup>2</sup> Application at 1.

<sup>3</sup> *Id.*

<sup>4</sup> *Formal Case No. 1005, In the Matter of Verizon Washington, D.C. Inc.'s Price Cap Plan 2002 for the Provision of Local Telecommunications Service in the District of Columbia*, Joint Petition of Verizon Washington, DC Inc., and the Office of the People's Counsel for Approval of the Settlement Agreement of Verizon DC's Price Cap Plan 2002 (filed August 16, 2001, amended November 7, 2001) ("Plan 2002").

<sup>5</sup> Plan 2002, Exhibit B at 2.

<sup>6</sup> 50 D.C. Reg. 7186-7187 (2003).

Commission, in Order No. 13039, approved Verizon DC's tariff amendment, finding that because the rate increases did not exceed the 10 percent annual ceiling for these services, it was consistent with the terms of Plan 2002.<sup>8</sup> This tariff amendment becomes effective upon the publication date of this Notice of Final Rulemaking in the *D.C. Register*.

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<sup>7</sup> See *Telephone Tariff 03-3*: Comments of Mark Servatius, filed August 11, 2003; Anne A. Messner, filed August 26, 2003; Luis A. Mendez, filed September 3, 2003; Jennifer Kuhn, filed September 5, 2003; G. McNeil, filed October 2, 2003; M. Elizabeth Kent, filed October 3, 2003; and J. Shaw, filed October 16, 2003.

<sup>8</sup> Order No. 13039 at 2.

## DISTRICT OF COLUMBIA DEPARTMENT OF TRANSPORTATION

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**NOTICE OF FINAL RULEMAKING**

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DOCKET NUMBER 03-76-TS

The Director of the Department of Transportation, pursuant to the authority in sections 3, 5(3), and 6 of the Department of Transportation Establishment Act of 2002, effective May 21, 2002 (D.C. Law 14-137; D.C. Official Code §§ 50-921.02, 50-921.04(3) and 50-921.05), and sections 6(a)(1), 6(a)(6) and 6(b) of the District of Columbia Traffic Act, approved March 3, 1925 (43 Stat. 1121; D.C. Official Code § 50-2201.03(a)(1), (a)(6) and (b)), hereby gives notice of the adoption of the following rulemaking which amends the Vehicle and Traffic Regulations (18 DCMR). Final action to adopt this rulemaking was taken on January 12, 2004. No comments were received. After review, it was determined that a removal of a location be made to the text which does not effect the intent, purpose and meaning of the proposal as published on October 31, 2003 at 50 DCR 9263. This final rulemaking will be effective when published in the D.C. Register.

Title 18 DCMR, Chapter 40 Section 4024, SNOW EMERGENCY ROUTES, Subsection 4024.1, is amended by deleting the current subsection 4024.1 and listing in its entirety and in its place, by substituting the following new subsection 4024.1 and listing:

4024.1 The streets or portions of streets listed in this subsection are designated as Snow Emergency Routes.

I-66 – D.C Line to Whitehurst Freeway and ramps

I-295 – D.C Line to and across both 11<sup>th</sup> St. Bridges to the Southeast Freeway and ramps

I-395 – D.C Line to New York Avenue (including HOV Lanes)

Alabama Avenue, S.E. – Branch Avenue to Suitland Road

Anacostia Freeway – 11<sup>th</sup> St., S.E. Bridges to East Capitol St.

Arizona Avenue, N.W. – Canal Road to Loughboro Road

Benning Road – Bladensburg Road, N.E. to Southern Avenue, S.E.

Bladensburg Road, N.E. – Benning Road to Eastern Avenue

Blair Road, N.W. – North Capitol Street to Eastern Avenue

Branch Avenue, S.E. – Pennsylvania Avenue to Southern Avenue

Brentwood Parkway, N.E. – Penn Street to New York Avenue

Brentwood Road, N.E. – T Street to Rhode Island Avenue

C Street, N.E. – North Carolina Ave. to East Capitol Street

Canal Road, N.W. – M Street to Chain Bridge

Cathedral Avenue, N.W. – Rock Creek Park to Connecticut Avenue

Chain Bridge, N.W.

Clermont Drive, N.E. – Hawaii Avenue to Harewood Road

Columbia Road, N.W. – Michigan Avenue to 16<sup>th</sup> Street (north side only)

Connecticut Avenue N.W. – K Street to Western Avenue

Constitution Avenue – 23<sup>rd</sup> Street, N.W. to North Carolina Ave., N.E.

Dalecarlia Parkway, N.W. – Massachusetts Avenue to Loughboro Road

E Street (North), N.W. – 18<sup>th</sup> Street to Virginia Avenue

E Street (South), N.W. – 17<sup>th</sup> Street to 20<sup>th</sup> Street to Potomac River Freeway

E Street Expressway, N.W. – 20<sup>th</sup> Street to Rock Creek Parkway

East Capitol Street - including ramp A on the north and from Independence Avenue  
(on the south) to Southern Avenue

Eastern Avenue, N.E. – Kenilworth Avenue to Minnesota Avenue

Florida Avenue – H Street, N.E. to 9<sup>th</sup> Street, N.W.

Florida Avenue, N.W. – U Street to 22<sup>nd</sup> Street

Foxhall Road, N.W. – Loughboro Road to Canal Road

Georgia Avenue, N.W. – Florida Avenue to Eastern Avenue

Good Hope Road, S.E. – Martin Luther King, Jr. Avenue to Alabama Avenue

H Street – Pennsylvania Avenue, N.W. to Benning Road, N.E.

Harvard Street, N.W. / Hobart Place, N.W. – 5<sup>th</sup> Street to 16<sup>th</sup> Street (south side only)

Hawaii Avenue, N.E. – North Capitol Street to Clermont Drive

Howard Road, S.E. – I-295 to South Capitol Street

I (Eye) Street, N.W. - Pennsylvania Avenue to New York Avenue

Independence Avenue – 15<sup>th</sup> Street, S.W. to 22<sup>nd</sup> Street, S.E.

Irving Street - Michigan Avenue, N.E. to 16<sup>th</sup> Street, N.W. (south side only)

K Street, N.W. – 7<sup>th</sup> Street to 29<sup>th</sup> Street (including service roadways)

Kenilworth Avenue, N.E. – East Capitol Street to Eastern Avenue

Kenyon Street, N.W. / Kenyon Place, N.W. – Irving Street to 14<sup>th</sup> St. (north side only)

Key Bridge, N.W.

L Street, N.W. – New York Avenue to Pennsylvania Avenue

Loughboro Road, N.W. – MacArthur Boulevard to Indian Lane and Chain Bridge Road

Louisiana Avenue, N.W. – North Capitol Street to Constitution Avenue

M Street – Maine Ave., S.W. to 12<sup>th</sup> Street, S.E.

M Street, N.W. – Connecticut Ave. to Canal Road

Maine Avenue, S.W. – 15<sup>th</sup> Street to M Street

Martin Luther King, Jr. Avenue, S.E. – Good Hope Road to South Capitol Street

Massachusetts Avenue, N.W. – Western Avenue to North Capitol Street

Michigan Avenue – Eastern Avenue, N.E. to Columbia Road, N.W.

Military Road, N.W. – 16<sup>th</sup> Street to Western Avenue

Missouri Avenue, N.W. – North Capitol Street to 16<sup>th</sup> Street

Mt. Olivet Road, N.E. – Brentwood Parkway to Bladensburg Road

Mt. Vernon Place, N.W. – Massachusetts Avenue to New York Avenue

Naylor Road, S.E. – Good Hope Road to Southern Avenue

Nebraska Avenue, N.W. – Indian Lane and Chain Bridge Road to Military Road

New Hampshire Avenue, N.W. – Missouri Avenue to D.C. Line

New York Avenue – 15<sup>th</sup> Street, N.W. to D.C. Line

New York Avenue, N.W. – 17<sup>th</sup> Street to 18<sup>th</sup> Street

North Capitol Street – Hawaii Avenue, N.E. to Blair Road, N.W.

North Capitol Street – Harewood Road to Louisiana Avenue (including the ramps at Irving Street)

North Carolina Avenue, N.E. - Constitution Avenue to C Street

Park Road, N.W. - 14<sup>th</sup> Street to 16<sup>th</sup> Street (north side only)

Pennsylvania Avenue, N.W. – M Street to 3<sup>rd</sup> Street

Pennsylvania Avenue, S.E. – 2<sup>nd</sup> Street to Southern Avenue

Piney Branch Road, N.W. – 13<sup>th</sup> Street to Eastern Avenue

Reno Road, N.W. – 34<sup>th</sup> Street to 41<sup>st</sup> Street

Reservoir Road, N.W.- Foxhall Road to Wisconsin Avenue

Rhode Island Avenue – Connecticut Avenue, N.W. to Eastern Avenue, N.E.

Riggs Road, N.E. – Missouri Avenue, N.W. to Eastern Avenue, N.E.

River Road, N.W. – Wisconsin Avenue to D.C. Line

South Capitol Street – Southwest Freeway to Southern Avenue

South Dakota Avenue, N.E. – Riggs Road to New York Avenue

Southeast Freeway – Pennsylvania Avenue to South Capitol Street (including ramps)

Southern Avenue, S.E. – South Capitol Street to Naylor Road

Southwest Freeway – I-395 to South Capitol Street to Southern Avenue (including ramps)

Suitland Parkway, S.E. – South Capitol Street to Southern Avenue

Suitland Road, S.E. – Alabama Ave. to Southern Ave.

T Street, N.E. – 9<sup>th</sup> Street to Brentwood Road

U Street, N.W. – 9<sup>th</sup> Street to Florida Avenue

Virginia Avenue, N.W. – Constitution Avenue to Rock Creek and Potomac Parkway

W Street, S.E. – Martin Luther King, Jr. Avenue to 13<sup>th</sup> Street

Western Avenue, N.W. – Connecticut Avenue to Massachusetts Avenue

Whitehurst Freeway, N.W. and ramps

Wisconsin Avenue, N.W. – K Street to Western Avenue

3<sup>rd</sup> Street – Constitution Avenue, N.W. to Independence Avenue, S.W.

6<sup>th</sup> Street, N.E. – Florida Avenue to Penn Street

6<sup>th</sup> Street, N.W. – Constitution Avenue to New York Avenue

7<sup>th</sup> Street – Southwest Freeway to Florida Avenue, N.W.

9<sup>th</sup> Street - Southwest Freeway to Florida Avenue, N.W.

9<sup>th</sup> Street, N.E. – Brentwood Parkway to Brentwood Road

11<sup>th</sup> Street Bridges (and ramps)

11<sup>th</sup> Street, S.E. – M Street to 11<sup>th</sup> Street Bridge

12<sup>th</sup> Street – Southwest Freeway and ramps to Massachusetts Avenue, N.W.

13<sup>th</sup> Street, S.E. – W Street to Good Hope Road

14<sup>th</sup> Street – 14<sup>th</sup> Street Bridges (I-395) and ramps S.W. to Thomas Circle, N.W.

15<sup>th</sup> Street, N.W. – E Street to New York Avenue

15<sup>th</sup> Street, N.W. – K Street to Massachusetts Avenue

16<sup>th</sup> Street, N.W. – H Street to Eastern Avenue

17<sup>th</sup> Street, N.W. – Constitution Avenue to Connecticut Avenue

17<sup>th</sup> Street, N.E. – Benning Road to Bladensburg Road

18<sup>th</sup> Street, N.W. – E Street (south) to Connecticut Avenue

19<sup>th</sup> Street, N.W. – E Street (south) to M Street

20<sup>th</sup> Street, N.W. – Virginia Avenue to Q Street

22<sup>nd</sup> Street, N.W. – Pennsylvania Avenue to Massachusetts Avenue

23<sup>rd</sup> Street, N.W. – Constitution Avenue to 22<sup>nd</sup> Street

24<sup>th</sup> Street, N.W. – Calvert Street to Connecticut Avenue

27<sup>th</sup> Street, N.W. – Virginia Avenue to K Street

34<sup>th</sup> Street, N.W. – Massachusetts Avenue to Reno Road

41<sup>st</sup> Street, N.W. – Reno Road to Western Avenue