ENROLLED ORIGINAL

A RESOLUTION

18-134

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 12, 2009

To declare the existence of an emergency, due to Congressional review, with respect to the need to provide that an employee shall have the right to continue coverage under the employer's health benefits plan for the length of time a subsidy is available under the American Recovery and Reinvestment Act of 2009.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Continuation of Health Coverage Act Congressional Review Emergency Declaration Resolution of 2009".

Sec. 2. (a) The Consolidated Omnibus Budget Reconciliation Act of 1985, approved April 7, 1986 ("COBRA") provides that an employee of a firm with 20 or more employees has the right to continue coverage under the employer's health benefits plan for a period of 18 months subsequent to termination.

(b) District law provides that an employee of a firm with 19 or fewer employees has the right to continue coverage under the employer's health benefits plan for a period of 3 months subsequent to termination. This law is commonly referred to as "mini-COBRA."

(c) The American Recovery and Reinvestment Act of 2009 ("federal stimulus package") provides a federal subsidy of 65% of the costs of continuing coverage for up to 9 months for an employee who is involuntarily terminated, whether the employee is covered by COBRA or mini-COBRA, as well as in certain other circumstances.

(d) Relevant provisions of the District's mini-COBRA law must be amended to ensure that District residents will be eligible for all the benefits contemplated by the federal stimulus package.

(e) The current emergency act will expire on June 14, 2009. The Continuation of Health Coverage Temporary Amendment Act of 2009 will not complete congressional review prior to the expiration of the current emergency act. Therefore, passage of the accompanying emergency act is necessary to prevent a gap in legal authority.

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Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Continuation of Health Coverage Act Congressional Review Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-135

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 12, 2009

To declare the existence of an emergency with respect to the need to amend Chapter 3 of Title 47 of the District of Columbia Official Code to ensure that capital authorizations are expended for the purposes for which the funds have been appropriated.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as "Capital Project Clarification Emergency Declaration Resolution of 2009".

Sec. 2. (a) There exists an immediate need to establish standards and requirements for the expenditure of capital funds to ensure that such funds are expended for the purposes for which they have been appropriated.

(b) Sections 443 and 444 of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 799; D.C. Official Code §§ 1-204.43 and 1-204.44) ("HRA), set forth clear requirements for the authorizing of capital funds. With the creation of so-called pooled-fund projects in fiscal year 2005, some of these requirements have been ignored in the approval of the capital budget.

(c) Section 444(1) of the HRA requires that the capital budget for all capital projects include information on the status, estimated period of usefulness, and total cost of each capital project on a full-funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least 4 succeeding fiscal years and an explanation of change in total cost in excess of 5% for any capital project included in the plan of the previous fiscal year.

(d) Capital project PL-106C did not include the foregoing required information, allowing funds to be encumbered for purposes other than those intended. Various expenditures have been made from this capital fund that do not appear to be within the original scope and description of this capital project. Pending and future expenditures are currently proposed and contemplated, some or all of which may not be within the original intent, as originally approved by the Council.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Capital Project Clarification Emergency Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.

ENROLLED ORIGINAL

A RESOLUTION

18-136

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

May 12, 2009

To declare the existence of an emergency with respect to the need to provide for fair representation on the Public Employee Relations Board by extending the holdover period for board members.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Public Employee Relations Board Holdover Extension Emergency Declaration Resolution of 2009".

Sec. 2. (a) Section 501(c) 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 § 1-605.01(c)), states that "[t]he members of the [Public Employee Relations] Board shall be selected by the Mayor in the following manner:

"(1) One member shall be chosen from those persons whose names appear upon lists proposed by labor organizations each of which has been granted exclusive recognition for at least 250 District government employees at the time that the Mayor is making his or her selection;

"(2) One member shall be chosen from a list of at least 2 names proposed by an ad hoc committee appointed by the Mayor representing agency heads within the District government; and

"(3) Three neutral members, of whom 1 shall be designated by the Mayor as Chairperson, shall be public members.".

(b) Section 501(f) 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 § 1-605.01(f)), states that "[a]ny vacancy occurring in the [Public Employee Relations] Board shall be filled within 45 days after the occurrence of such vacancy excluding Saturdays, Sundays and legal holidays.".

(c) The Public Employee Relations Board ("PERB") has not had sufficient members to conduct official business since May of 2008. There is currently one member on the board – the member chosen from among union recommendations – who is serving in a holdover capacity until June 10, 2009.

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(d) There currently exists a backlog of over 60 cases for PERB review.

(e) The Committee on Government Operations and the Environment received testimony that the decisions of the PERB have been affirmed 98% of the time when appealed to the courts, thus stressing the need to strictly enforce the statutory requirement to confirm only qualified appointees.

(f) With PERB unable to take final action on cases, many important collective bargaining disputes and employee appeal cases are without resolution. Testimony from labor representatives stated that some of these cases have been unresolved for over a year. This results in employees being without a job, and suffering extreme financial hardship, due to appeals by management to a non-functioning board, that may be without merit.

(g) The Mayor has nominated 4 individuals to serve as PERB members. Confirmation of these nominees by the Council would result in the filling of the 3 "neutral" slots and the "management" slot. The Mayor has not nominated anyone to serve in the "union" slot as required by District law.

(h) Once PERB achieves a quorum, it will begin deciding dozens of cases. However, under current law, the holdover period for the "union" member will end on June 10. A failure to maintain the balanced membership as contemplated by statute could result in significant harm to PERB's integrity and reputation for fairness.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Public Employee Relations Board Holdover Extension Emergency Amendment Act of 2009 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.