

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 1.
GOVERNMENT ORGANIZATION.

CHAPTER 5.
OFFICERS AND EMPLOYEES GENERALLY.

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DISTRICT OF COLUMBIA OFFICIAL CODE

CHAPTER 5. OFFICERS AND EMPLOYEES

GENERALLY.

TABLE OF CONTENTS

Subchapter I. General.

- § 1-501. Oath to be taken by officers.
- § 1-502. Reports by custodians of property.
- § 1-503. Employment to be authorized and compensation to be paid from specific appropriations; moneys returned to Treasury.
- § 1-504. Designation by Mayor of Dr. King's birthday as holiday.
- § 1-505. Effect of signature by mark upon payment of compensation.
- § 1-506. Refusal to give testimony relating to office or employment.
- § 1-507. Wages, salaries, annuities, retirement, disability benefits, and other remuneration based on District employment subject to attachment garnishment, and assignment for child support, maintenance, alimony payments, and other obligations.
- § 1-508. Technical assistance.[Expired]
- § 1-509. Allowances for privately owned vehicles for employees.
- § 1-510. Exemption of District government employees on compressed schedule from federal overtime requirements.
- § 1-511. Review of personnel practices.

Subchapter I-A. Residency Preferences and Requirements for Government Employees.

- § 1-515.01. District residency preference for employees; District residency requirement for agency heads.

Subchapter II. Affirmative Action in District Government Employment.

- § 1-521.01. Goal; "available work force" defined.
- § 1-521.02. Agency affirmative action plan--Development; submission.
- § 1-521.03. Agency affirmative action plan--Goal of representation; actual employment levels.
- § 1-521.04. Agency affirmative action plan--Projections of hires and promotions for period of plan.
- § 1-521.05. Agency affirmative action plan--Program for securing equal employment opportunity.
- § 1-521.06. Continuing responsibility of agencies for equal employment opportunity.
- § 1-521.07. Agency affirmative action plan; number of hires, promotions and terminations during period of plan.
- § 1-521.08. Detail by Mayor of nonuniformed equal employment opportunity officers and specialists to Office of Human Rights; limitation; uniformed positions unaffected.

Subchapter III. Mayoral Nominees.

- § 1-523.01. Mayoral nominees.

Subchapter IV. Modifications of Board of Education Reduction-In-Force Procedures.

- § 1-525.01. Modifications of Board of Education Reduction-in-Force procedures.

Subchapter V. Vesting Under Previous District of Columbia Retirement Program.

- § 1-527.01. Vesting under previous District of Columbia retirement program.

Subchapter VI. Spouse Equity.

- § 1-529.01. Application.
- § 1-529.02. Definitions.
- § 1-529.03. Compliance with court orders.
- § 1-529.04. Enrollment in health benefits plan.
- § 1-529.05. Rules.

Subchapter VII. Office of Labor Relations and Collective Bargaining.

- § 1-531.01. Reimbursement for representation by Office of Labor Relations and Collective Bargaining.
- § 1-531.02. Budget for Office of Labor Relations and Collective Bargaining.

CHAPTER 5. OFFICERS AND EMPLOYEES

GENERALLY.

SUBCHAPTER I. GENERAL.

§ 1-501. OATH TO BE TAKEN BY OFFICERS.

All civil officers in the District shall, before they act as such, respectively take and subscribe an oath or affirmation to support the Constitution of the United States, and faithfully to discharge the duties of their respective offices; and the oath or affirmation provided for by this section shall be taken and subscribed, certified, and recorded, in such manner and form as may be prescribed by law.

(R.S., D.C., § 85; June 20, 1874, 18 Stat. 116, ch. 337, § 2; June 11, 1878, 20 Stat. 103, ch. 180, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-501.

1973 Ed., § 1-308.

Miscellaneous Notes

Establishment of District of Columbia Board of Appeals and Review: See Mayor's Order 96-27, March 5, 1996 (43 DCR 1367).

§ 1-502. REPORTS BY CUSTODIANS OF PROPERTY.

All persons in the employment of the government of the District of Columbia having, as a result of such employment, custody of or chargeable with property, other than real estate, belonging to the District of Columbia, shall, at such times and in such form as the Mayor of the District of Columbia shall require, make returns to said Mayor of all such property remaining in their possession, and the condition thereof, and, with reference to all property that may have come into their custody that shall have been consumed in use, a statement showing the quantity thereof and the purpose for which used.

(July 21, 1914, 38 Stat. 553, ch. 191, § 7; Mar. 3, 1915, 38 Stat. 925, ch. 80, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-502.

1973 Ed., § 1-309.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 1-503. EMPLOYMENT TO BE AUTHORIZED AND COMPENSATION TO BE PAID FROM SPECIFIC APPROPRIATIONS; MONEYS RETURNED TO TREASURY.

No civil officer, clerk, draftsman, compensation messenger, assistant messenger, mechanic, watchman, laborer, or other employee shall, after June 30, 1905, be employed in any office, department, or other branch of the government of the District of Columbia or be paid from any appropriation made for contingent expenses, or for any specific or general purpose, unless such employment is authorized and payment therefor specifically provided in the law granting the appropriation or is authorized as hereinafter provided, and then only for services actually rendered in connection with and for the purposes of the appropriation from which payment is made and at the rate of compensation usual and proper for such services, and on and after July 1, 1905, all moneys accruing from lapsed salaries, or for unused appropriations for salaries, shall be covered into the Treasury as are the balances of other unexpended appropriations for the support of the government of the District of Columbia.

(Mar. 3, 1905, 33 Stat. 913, ch. 1406, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-503.

1973 Ed., § 1-310.

§ 1-504. DESIGNATION BY MAYOR OF DR. KING'S BIRTHDAY AS HOLIDAY.

The Mayor is authorized to designate the holiday in honor of Dr. King as a holiday for all employees of the government of the District of Columbia. Employees who are required to work on that holiday shall be entitled to such pay as they are entitled to on other holidays during which they work.

(July 12, 1977, D.C. Law 2-13, § 3, 24 DCR 1443.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-504.

1973 Ed., § 1-314b.

Legislative History of Laws

Law 2-13 was introduced in Council and assigned Bill No. 2-35, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on March 22, 1977 and April 5, 1977, respectively. Signed by the Mayor in May 2, 1977, it was assigned Act No. 2-35 and transmitted to both Houses of Congress for its review.

§ 1-505. EFFECT OF SIGNATURE BY MARK UPON PAYMENT OF COMPENSATION.

After May 10, 1926, in the payment of compensation of per diem employees of the government of the District of Columbia, a signature by mark duly witnessed by an employee of such District designated for that purpose by the Mayor shall be deemed a full legal acquittance as to such signature.

(May 10, 1926, 44 Stat. 453, ch. 276, § 7.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-505.

1973 Ed., § 1-315.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of the Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government

were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 1-506. REFUSAL TO GIVE TESTIMONY RELATING TO OFFICE OR EMPLOYMENT.

(a) Any officer or employee of the District who refuses to testify upon matters relating to his office or employment in any proceeding wherein he is a defendant or is called as a witness upon the ground that his answer may tend to incriminate him or compel him to be a witness against himself, or who refuses so to testify on such ground when called by a grand jury or a congressional committee, shall forfeit his office or employment and any emolument, perquisite, or benefit (by way of pension or otherwise) arising therefrom, and be disqualified from holding any public office or employment under the District.

(b) Any former officer or employee of the District who refuses to testify upon matters relating to his former office or employment in any proceeding wherein he is a defendant or is called as a witness upon the ground that his answer may tend to incriminate him or compel him to be a witness against himself, or who refuses so to testify on such ground when called by a grand jury or a congressional committee, shall forfeit any emolument, perquisite, or benefit (by way of pension or otherwise) arising from such former office or employment, and be disqualified from holding any public office or employment under the District.

(c) If the retirement pay, pension, or annuity of any officer or employee or former officer or employee of the District is forfeited under this section, there shall be paid to such individual a sum equal to (1) the total amount paid by him as contributions toward such retirement pay, pension, or annuity, plus any accrued interest attributable to such contributions, less (2) the total amount of such retirement pay, pension, or annuity received by him prior to such forfeiture.

(June 29, 1953, 67 Stat. 108, ch. 159, title IV, § 409.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-506.

1973 Ed., § 1-319.

§ 1-507. WAGES, SALARIES, ANNUITIES, RETIREMENT, DISABILITY BENEFITS, AND OTHER REMUNERATION BASED ON DISTRICT EMPLOYMENT SUBJECT TO ATTACHMENT GARNISHMENT, AND ASSIGNMENT FOR CHILD SUPPORT, MAINTENANCE, ALIMONY PAYMENTS, AND OTHER OBLIGATIONS.

(a) After July 25, 1977, wages, salaries, annuities, retirement and disability benefits, and other remuneration based upon employment, or other income owed by, due from, and payable by the government of the District of Columbia to any individual shall be subject to attachment, garnishment, assignment, or withholding under the District of Columbia Child Support Enforcement Amendment Act of 1985, provided the levy is predicated upon the entry of a judgment, order, or decree determining the individual's legal obligation to provide child support or to make maintenance or alimony payments. Whenever wages, salaries, annuities, retirement and disability benefits, or other remuneration based upon employment is sought to be levied pursuant to this section, the legal process shall be such as is usual in other cases of attachment, garnishment, assignment, or withholding under the District of Columbia Child Support Enforcement Amendment Act of 1985. The government of the District of Columbia shall be subject to process in the same manner and to the same extent as if it were a private person, except that no writ or similar process served under the authority of this section shall be honored by the government of the District of Columbia unless a certified copy of the judgment, order, or decree upon which the levy is predicated has been provided to the Mayor of the District of Columbia or his duly authorized designee.

(b) After October 1, 1997, wages salaries, annuities, retirement and disability benefits, and other remuneration based upon employment, or other income owed by, due from, and payable by the government of the District of Columbia to any individual shall be subject to attachment, garnishment, assignment, or withholding in accordance with subchapter III of chapter 5 of title 16 of the District of Columbia Code in the same manner and to the same extent as if the government of the District of Columbia were a private person.

(July 26, 1977, D.C. Law 2-14, § 2, 24 DCR 1774; Feb. 24, 1987, D.C. Law 6-166, § 33(d), 33 DCR 6710; Aug. 5, 1997, 111 Stat. 784, Pub. L. 105-33, § 11713.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-516.

1973 Ed., § 1-323.

Legislative History of Laws

Law 2-14 was introduced in Council and assigned Bill No. 2-91, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on April 5, 1977 and May 3, 1977, respectively. Signed by the Mayor on May 23, 1977, it was assigned Act No. 2-42 and transmitted to both Houses of Congress for its review.

Law 6-166 was introduced in Council and assigned Bill No. 6-134, which was referred to the Committee On Human Services. The Bill was adopted on first and second readings on July 8, 1986 and September 23, 1986, respectively. Signed by the Mayor on October 9, 1986, it was assigned Act No. 6-212 and transmitted to both Houses of Congress for its review.

References in Text

The "District of Columbia Child Support Enforcement Amendment Act of 1985," referred to in the first and second sentences of (a), is D.C. Law 6-166.

§ 1-508. TECHNICAL ASSISTANCE.[EXPIRED]

(Aug. 5, 1997, 111 Stat. 786, Pub. L. 105-33, § 11722.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-517.

Effective Dates

Section 11721 of Title XI of Pub. L. 105-33, 111 Stat. 786, the National Capital Revitalization and Self-Government Improvement Act of 1997, provided that except as otherwise provided in this title, the provisions of this title shall take effect on the later of October 1, 1997, or the day the District of Columbia Financial Responsibility and Management Assistance Authority certifies that the financial plan and budget for the District government for fiscal year 1998 meet the requirements of section 201(c)(1) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this title.

Editor's Notes

Pursuant to § 11722 of Pub. L. 105-33, this section expired effective August 6, 2000.

§ 1-509. ALLOWANCES FOR PRIVATELY OWNED VEHICLES FOR EMPLOYEES.

The Mayor may establish rates and reimburse employees, by regulation, for privately owned automobiles and motorcycles used for the performance of official duties. The rates established by the Mayor shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101-7 (Federal Travel Regulations). The proposed regulations shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the regulations, in whole or in part, by resolution within the 45-day review period, the proposed rules shall be deemed approved.

(Oct. 19, 2000, D.C. Law 13-172, § 3202, 47 DCR 6308.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-518.

Emergency Act Amendments

For temporary (90-day) addition of section, see § 3202 of the Fiscal Year 2001 Budget Support Emergency Act of 2000 (D.C. Act 13-376, July 24, 2000, 47 DCR 6574).

For temporary (90 day) amendment of section, see § 3202 of the Fiscal Year 2001 Budget Support Congressional Review Emergency Act of 2000 (D.C. Act 13-438, October 20, 2000, 47 DCR 8740).

Legislative History of Laws

Law 13-172, the "Fiscal Year 2001 Budget Support Act of 2000," was introduced in Council and assigned Bill

No. 13-679, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 18, 2000, and June 6, 2000, respectively. Signed by the Mayor on June 26, 2000, it was assigned Act No. 13-375 and transmitted to both Houses of Congress for its review. D.C. Law 13-172 became effective on October 19, 2000.

§ 1-510. EXEMPTION OF DISTRICT GOVERNMENT EMPLOYEES ON COMPRESSED SCHEDULE FROM FEDERAL OVERTIME REQUIREMENTS.

(a) *In general.* -- Section 7 of the Fair Labor Standards Act (29 U.S.C. 207) shall not apply to the hours of an employee of the District of Columbia government which constitute a compressed schedule.

(b) *Compressed schedule defined.* -- In this section, the term "compressed schedule" means:

(1) In the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays; and

(2) In the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays.

(c) *Effective date.* -- This section shall apply with respect to hours occurring on or after October 30, 2004.

(Oct. 30, 2004, 118 Stat. 2230, Pub. L. 108-386, § 6.)

HISTORICAL AND STATUTORY NOTES

Effective Dates

Section 9 of Pub. L. 108-386, 118 Stat. 2228, the 2004 District of Columbia Omnibus Authorization Act, provides that: "The amendments made by this section shall take effect on the date of the enactment of this Act [Oct. 30, 2004]."

§ 1-511. REVIEW OF PERSONNEL PRACTICES.

(a) The District of Columbia Department of Human Resources shall conduct a comprehensive review of all regulations, policies, and standard operating procedures under its control to ensure compliance with all local and federal laws.

(b) On or before March 1, 2012, and every 3 months thereafter until this review is complete, the District of Columbia Department of Human Resources shall report to the Council on the status of this review, the components that have been completed, the components that remain outstanding, and the projected timeline for completion of this project.

(Mar. 14, 2012, D.C. Law 19-115, § 3, 59 DCR 461.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-115, see notes under § 1-608.01.

SUBCHAPTER I-A. RESIDENCY PREFERENCES AND REQUIREMENTS FOR GOVERNMENT EMPLOYEES.

§ 1-515.01. DISTRICT RESIDENCY PREFERENCE FOR EMPLOYEES; DISTRICT RESIDENCY REQUIREMENT FOR AGENCY HEADS.

(a) Notwithstanding any other provision of law, all District subordinate agencies, independent agencies, and instrumentalities shall use a ranking system based on a scale of 100 points for all employment decisions for positions equivalent to Career Service, educational employee, Legal Service, and Management Supervisory Service positions, as defined under § 1-603.01(3), (6), (13A), and (13B), and shall award each District resident applicant a preference of 10 points unless the resident declines the preference points. The 10 preference points shall be in addition to any points awarded on the 100-point scale.

(b) An applicant claiming a hiring preference shall submit no less than 8 proofs of bona fide residency in a manner determined by the Mayor. If hired, the employee shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of such residency annually to the director of personnel for the agency or instrumentality for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment.

(c)(1) Each subordinate agency head shall submit to the Mayor and the Council quarterly reports detailing the names of all new employees and their pay schedules, titles, and place of residence. The report shall explain the reasons for employment of non-District residents. The Mayor shall integrate into each subordinate agency's annual performance objectives the rate of success in hiring District residents.

(2) Each independent agency and instrumentality shall submit to the Mayor and the Council annual reports detailing the names of all new employees and their pay schedules, titles, and place of residence. The reports shall explain the reasons for employment of non-District residents.

(d) The Mayor shall conduct annual audits of each subordinate agency's personnel records to ensure that all persons claiming a residency preference at time of hiring complies with the provisions of subsection (b) of this section. Audit reports shall be submitted annually to the Council.

(e) Each subordinate agency, independent agency, and instrumentality head shall be a resident of the District of Columbia throughout his or her tenure and shall forfeit his or her position if he or she fails to remain a resident of the District of Columbia.

(f) The Mayor may issue rules to implement the provisions of this subchapter.

(Feb. 6, 2008, D.C. Law 17-108, § 101, 54 DCR 10993; Mar. 25, 2009, D.C. Law 17-353, § 223(a), 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 17-353 validated a previously made technical correction in subsec. (a).

Legislative History of Laws

Law 17-108, the "Jobs for D.C. Residents Amendment Act of 2007", was introduced in Council and assigned Bill No. 17-185 which was referred to the Committee on Workforce Development and Government Operations. The Bill was adopted on first and second readings on July 10, 2007, and October 2, 2007, respectively. Signed by the Mayor on October 26, 2007, it was assigned Act No. 17-172 and transmitted to both Houses of Congress for its review. D.C. Law 17-108 became effective on February 6, 2008.

For Law 17-353, see notes following § 1-129.05.

Miscellaneous Notes

Section 7094 of D.C. Law 17-219 repealed section 301 of D.C. Law 17-108.

SUBCHAPTER II. AFFIRMATIVE ACTION IN DISTRICT GOVERNMENT EMPLOYMENT.

§ 1-521.01. GOAL; "AVAILABLE WORK FORCE" DEFINED.

The goal of affirmative action in employment throughout the District government is, and must continue to be, full representation, in jobs at all salary and wage levels and scales, in accordance with the representation of all groups in the available work force of the District of Columbia, including, but not limited to, Blacks, Whites, Spanish-speaking Americans, Native Americans, Asian Americans, females, and males. As used in §§ 1-521.01 to 1-521.08, "available work force" means the total population of the District of Columbia between the ages of 18 and 65.

(May 6, 1976, D.C. Law 1-63, § 2, 22 DCR 6538.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-507.

1973 Ed., § 1-320a.

Legislative History of Laws

Law 1-63 was introduced in Council and assigned Bill No. 1-133, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on November 18, 1975 and December 2, 1975, respectively. Disapproved by the Mayor on December 24, 1975, reenacted on January 19, 1976, and signed by the President on February 27, 1976, it was assigned Act No. 1-87 and transmitted to both Houses of Congress for its review.

§ 1-521.02. AGENCY AFFIRMATIVE ACTION PLAN--DEVELOPMENT;

SUBMISSION.

Every District government agency shall develop and submit to the Mayor and Council an affirmative action plan. Such plan shall be submitted within 12 calendar weeks after May 6, 1976, and each year thereafter, at the time each agency's annual budget is submitted to the Council.

(May 6, 1976, D.C. Law 1-63, § 3, 22 DCR 6538.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-508.

1973 Ed., § 1-320b.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

§ 1-521.03. AGENCY AFFIRMATIVE ACTION PLAN--GOAL OF REPRESENTATION; ACTUAL EMPLOYMENT LEVELS.

(a) Each plan shall state the number of females and males who are Black, White, Spanish-speaking, Native American, and Asian American, who would, by using the goal of their representation in the available work force in the District, be employed by the agency at the actual employment levels in the agency at the time the plan is submitted. Such numbers shall be broken down:

- (1) Agency wide;
- (2) Within each office in the agency; and
- (3) Within each pay level of each salary scale in the agency.

(b) These shall be the goals, not the quotas, of the plan. The plan shall also state the actual employment levels in the agency, broken down in the same way as the goals, and the difference between the actual employment and the goals.

(May 6, 1976, D.C. Law 1-63, § 4, 22 DCR 6539.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-509.

1973 Ed., § 1-320c.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

§ 1-521.04. AGENCY AFFIRMATIVE ACTION PLAN--PROJECTIONS OF HIRES AND PROMOTIONS FOR PERIOD OF PLAN.

The plan shall state the number of hires and promotions the agency projects for the period until the next plan is submitted, and the number of hires and promotions of the groups enumerated in § 1-521.03, projected for that period. Such projections shall be broken down in the manner provided in § 1-521.03.

(May 6, 1976, D.C. Law 1-63, § 5, 22 DCR 6539.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-510.

1973 Ed., § 1-320d.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

§ 1-521.05. AGENCY AFFIRMATIVE ACTION PLAN--PROGRAM FOR SECURING EQUAL EMPLOYMENT OPPORTUNITY.

The plan shall further state what actions the agency is taking to secure the equal employment opportunity within the agency of the groups enumerated in § 1-521.03, and of the aging, the young, persons with disabilities, and the homosexual citizens of the District, whether such citizens be actual or potential employees of the District government.

(May 6, 1976, D.C. Law 1-63, § 6, 22 DCR 6539; Sept. 26, 2012, D.C. Law 19-169, § 3, 59 DCR 5567.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-511.

1973 Ed., § 1-320e.

Effect of Amendments

D.C. Law 19-169 substituted "persons with disabilities" for "the handicapped".

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

For history of Law 19-169, see notes under § 1-307.02.

§ 1-521.06. CONTINUING RESPONSIBILITY OF AGENCIES FOR EQUAL EMPLOYMENT OPPORTUNITY.

Equal employment opportunity is a continuing responsibility of every agency, whether or not the hiring and promotion goals in affirmative action employment plans have been reached.

(May 6, 1976, D.C. Law 1-63, § 7, 22 DCR 6540.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-512.

1973 Ed., § 1-320f.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

§ 1-521.07. AGENCY AFFIRMATIVE ACTION PLAN; NUMBER OF HIRES, PROMOTIONS AND TERMINATIONS DURING PERIOD OF PLAN.

The plan shall further state the number of hires, promotions, and terminations (due to retirement, death, reductions in service or force, lack of performance, disciplinary action, and all other reasons), and indicate the permanent, temporary, or probationary status of the terminated employees of, and personnel grievance and equal employment complaints instituted by, persons known to be members of the various classes specified in § 1-521.05, during the period since the previously submitted plan.

(May 6, 1976, D.C. Law 1-63, § 8, 22 DCR 6540.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-513.

1973 Ed., § 1-320g.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

§ 1-521.08. DETAIL BY MAYOR OF NONUNIFORMED EQUAL EMPLOYMENT OPPORTUNITY OFFICERS AND SPECIALISTS TO OFFICE OF HUMAN RIGHTS; LIMITATION; UNIFORMED POSITIONS UNAFFECTED.

The Mayor shall have the authority and is directed to detail, on a full-time basis, all persons who, on May 6, 1976, are employed, on a full-time basis, as nonuniformed equal employment opportunity officers and

equal employment opportunity specialists by any agency of the District government other than the Office of Human Rights, to work in the Office of Human Rights as investigators or in other positions, all directly involved in the decision of equal employment opportunity cases instituted against the District government or any of its agencies. No person so detailed shall work on cases instituted against the agency from which the person is detailed. The Mayor shall assign such details on May 6, 1976. The positions which such persons hold shall be transferred to the budget of the Office of Human Rights in and for Fiscal Year 1977. The Metropolitan Police Department and the Fire Department are not authorized by this section to abolish, leave unfilled, or reduce the authority or duties of any uniformed equal employment opportunity officer or specialist position. This section shall not be construed to affect any uniformed position in the District government.

(May 6, 1976, D.C. Law 1-63, § 9, 22 DCR 6540; Apr. 6, 1977, D.C. Law 1- 100, § 2, 23 DCR 8730.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-514.

1973 Ed., § 1-320h.

Legislative History of Laws

For legislative history of D.C. Law 1-63, see Historical and Statutory Notes following § 1-521.01.

Law 1-100 was introduced in Council and assigned Bill No. 1-310, which was referred to the Committee on Public Services and Consumer Affairs. The Bill was adopted on first and second readings on July 20, 1976 and September 15, 1976, respectively. Signed by the Mayor on October 20, 1976, it was assigned Act No. 1-163 and transmitted to both Houses of Congress for its review.

SUBCHAPTER III. MAYORAL NOMINEES.

§ 1-523.01. MAYORAL NOMINEES.

(a) The Mayor shall nominate persons to serve as subordinate agency heads in the Executive Service established by subchapter X-A of Chapter 6 of this title, subject to the advice and consent of the Council, within 180 calendar days of the date of the establishment of the subordinate agency or the date of a vacancy. A nomination shall be submitted to the Council for a 90-day period of review, excluding days of Council recess. If the Council does not approve or disapprove the nomination by resolution within this 90-day review period, the nomination shall be deemed confirmed.

(1) If the Mayor fails to nominate a person within 180 days of the establishment of the subordinate agency vacancy or the date of vacancy, no District funds may be expended to compensate any person serving in the position.

(2) The Mayor may designate an acting subordinate agency head, but this designation shall not suspend the requirements of this section, or the provisions of § 1-610.59(a).

(b) The Mayor shall not appoint board or commission members to serve in a position that the law requires to be filled by Mayoral appointment with the advice and consent of the Council.

(c) No person shall serve in a hold-over capacity for longer than 180 days after the expiration of the term to which he or she was appointed, in a position that is required by law to be filled by Mayoral appointment with the advice and consent of the Council including to positions on boards and commissions.

(d) The provisions of this section shall not be affected by any provision in subchapter VI of Chapter 3 of this title.

(e) Notwithstanding any other provision of law, the Mayor shall transmit to the Council, for a 90-day period of review, excluding days of Council recess, nominations to the boards and commissions listed in this subsection. If the Council does not approve by resolution within the 90-day period a nomination to these boards or commissions, the nomination shall be deemed disapproved.

(1) The Alcoholic Beverage Control Board, established by § 25-104(a);

(2) The District of Columbia Board of Library Trustees, established by § 39- 104;

(3) The Board of Trustees of the University of the District of Columbia, established by § 38-1202.01;

(4) The Board of Zoning Adjustment, established by § 6-641.07;

(5) The Police Complaints Board, established by § 5-1104;

(6) The Contract Appeals Board, established by § 2-360.01.

(7) The District of Columbia Board of Elections and Ethics, established by § 1-1001.03;

- (8) The Commission on Human Rights, established by § 2-1404.01;
- (9) Repealed;
- (10) The District of Columbia Housing Finance Agency Board of Directors, established by § 42-2702.02;
- (11) The District of Columbia Lottery and Charitable Games Control Board, established by § 3-1301;
- (12) Repealed.
- (13) The Historic Preservation Review Board, established by Mayor's Order 83- 119, issued May 6, 1983 (30 DCR 3031) in accordance with § 6-1103;
- (14) The Metropolitan Washington Airports Authority Board of Directors, established by § 9-1006(e);
- (15) Repealed.
- (16) The Office of Employee Appeals, established by § 1-606.01;
- (17) The Public Employee Relations Board, established by § 1-605.01;
- (18) The Public Service Commission, established by § 34-801;
- (19) The Rental Housing Commission, established by § 45-2511;
- (20) The Washington Convention and Sports Authority Board of Directors, established by § 10-1202.05;
- (21) The Water and Sewer Authority Board of Directors, established by § 34- 2202.04;
- (22) The Zoning Commission for the District of Columbia, established by § 6- 621.01;
- (23) Repealed.
- (24) The District of Columbia Taxicab Commission, established by § 40-1704;
- (25) Repealed.
- (26) Repealed.
- (27) The Board of Commissioners of the District of Columbia Housing Authority, established by § 6-211;
- (28) Repealed.
- (29) Homeland Security Commission established by § 7-2271.02; and
- (30) Commission on Fashion Arts and Events, established by § 3-651.

(f) Notwithstanding any other provision of law, the Mayor shall transmit to the Council, for a 45-day period of review, excluding days of Council recess, nominations to the boards and commissions listed in this subsection. The Council shall be deemed to have approved a nomination under this subsection if during the 45-day period, no member introduces a resolution disapproving the nomination. If a member introduces a resolution disapproving the nomination within the 45-day period, the Council shall have an additional 45 days, excluding days of Council recess, to disapprove the nomination by resolution, or it will be deemed approved.

- (1) The Apprenticeship Council, established by § 32-1402;
- (2) The Armory Board, established by § 3-302;
- (3) Repealed;
- (4) The Board of Dentistry, established by § 3-1202.01;
- (5) The Board of Medicine, established by § 3-1202.03;
- (6) The Board of Nursing, established by § 3-1202.04;
- (7) The Board of Nursing Home Administration, established by § 3-1202.05;
- (8) The Board of Psychology, established by § 3-1202.11;
- (9) Repealed.
- (10) The Child Support Guideline Commission, established by § 16-916.02;
- (11) The Commission on the Arts and Humanities, established by § 39-203 note;
- (12) The District of Columbia Boxing and Wrestling Commission, established by § 3-604;
- (13) The Multistate Tax Commission, established by § 47-441;
- (14) The Public Access Corporation Board of Directors, established by § 34- 1253.02;
- (15) The Board of Real Estate, established by § 47-2853.06(h);
- (16) Repealed;

- (17) The Board of Dietetics and Nutrition, established by § 3-1202.02;
- (18) The Board of Occupational Therapy, established by § 3-1202.06;
- (19) The Board of Optometry, established by § 3-1202.07;
- (20) The Board of Pharmacy, established by § 3-1202.08;
- (21) The Board of Physical Therapy, established by § 3-1202.09;
- (22) The Board of Podiatry, established by § 3-1202.10;
- (23) The Board of Social Work, established by § 3-1202.12;
- (24) The Board of Professional Counseling, established by § 3-1202.13;
- (25) The Board of Respiratory Care, established by § 3-1202.14;
- (26) The Board of Massage Therapy, established by § 3-1202.15;
- (27) The Board of Chiropractic, established by § 3-1202.16;
- (28) The Statewide Health Coordinating Council, established by § 44-403;
- (29) The Board of Barber and Cosmetology, established by § 47-2853.06(c);
- (30) The Board of Real Estate Appraisers, established by § 47-2853.06(g);
- (31) Repealed;
- (32) The Board of Funeral Directors, established by § 47-2853.06(f);
- (33) Repealed;
- (34) Repealed;
- (35) The Board of Veterinary Examiners for the District of Columbia, established by § 3-505;
- (36) Reserved;
- (37) The Board of Architecture and Interior Designers, established by § 47- 2853.06(a);
- (38) The Board of Accountancy, established by § 47-2853.06(b);
- (39) The Board of Industrial Trades, established by § 47-2853.06(d);
- (40) The Board of Professional Engineering, established by § 47-2853.06(e);
- (41) The Housing and Community Development Reform Commission, established by § 6-1032;
- (42) The Commission on Asian and Pacific Islander Community Development, established by § 2-1373;
- (43) The Board of Marriage and Family Therapy, established by § 3-1202.17;
- (44) The District of Columbia Small and Local Business Opportunity Commission, established by § 2-218.21;
- (45) The Security Officer Advisory Commission;
- (46) The Motor Vehicle Theft Prevention Commission, established by § 3-1352;
- (47) The Commission on African Affairs, established by § 2-1393;
- (48) The Science Advisory Board to the Department of Forensic Sciences, established by § 5-1501.11; and
- (49) The Commission on African-American Affairs, established by § 3-1441.

(g) Notwithstanding any other provision of law, the Mayor shall directly appoint members to boards and commissions, without the advice and consent of the Council, to the boards and commissions not contained in subsections (e) and (f) of this section.

(h) This section shall not apply to positions on boards and commissions that are designated by law for the Mayor, his or her designee, or another member of the executive branch or his or her designee.

(Mar. 3, 1979, D.C. Law 2-142, § 2, 25 DCR 6112; Mar. 4, 1981, D.C. Law 3-131, § 802, 28 DCR 326; Mar. 16, 1989, D.C. Law 7-201, § 3, 36 DCR 248; May 10, 1989, D.C. Law 7-231, § 4, 36 DCR 492; Oct. 15, 1993, D.C. Law 10-39, § 2, 40 DCR 5827; Apr. 20, 1999, D.C. Law 12-261, § 1245, 46 DCR 3142; June 12, 1999, D.C. Law 12-285, § 2, 46 DCR 1355; Oct. 20, 1999, D.C. Law 13-38, § 1103, 46 DCR 6373; Oct. 14, 1999, D.C. Law 13-49, §§ 3, 15, 46 DCR 5153; Apr. 12, 2000, D.C. Law 13-91, § 111, 47 DCR 520; May 9, 2000, D.C. Law 13-105, § 28, 47 DCR 1325; June 19, 2001, D.C. Law 13-313, § 3, 48 DCR 1873; July 12, 2001, D.C. Law 14-18, § 9(c), 48 DCR 4047; Oct. 3, 2001, D.C. Law 14-28, § 308, 48 DCR 6981; Oct. 1, 2002, D.C. Law 14-190, § 1148, 49 DCR 6968; Mar. 10, 2004, D.C. Law 15-88, § 3, 50 DCR 10999; Mar. 13, 2004, D.C. Law 15-105, §§ 15, 18, 51 DCR 881; Dec. 7, 2004, D.C. Law 15-216, § 3, 51 DCR 9123; Dec. 7, 2004, D.C. Law 15-219, § 201(b), 51 DCR 9142; Apr. 13, 2005, D.C. Law 15-354, § 2, 52 DCR 2638; Apr. 7, 2006, D.C. Law 16-91, § 116, 52 DCR 10637; Nov. 16, 2006, D.C. Law 16-187, § 221, 53

DCR 6722; Mar. 2, 2007, D.C. Law 16-191, § 115, 53 DCR 6794; Mar. 14, 2007, D.C. Law 16-262, § 409, 54 DCR 794; Feb. 6, 2008, D.C. Law 17-108, § 202, 54 DCR 10993; Apr. 15, 2008, D.C. Law 17-148, § 5, 55 DCR 2219; July 18, 2008, D.C. Law 17-197, § 10(a), 55 DCR 6277; Mar. 25, 2009, D.C. Law 17-353, §§ 127(b), 175, 208, 233, 249, 56 DCR 1117; Mar. 3, 2010, D.C. Law 18-111, § 2082(a), 57 DCR 181; Apr. 8, 2011, D.C. Law 18-363, § 3(a), 58 DCR 963; Aug. 17, 2011, D.C. Law 19-18, § 18, 58 DCR 5403; Mar. 14, 2012, D.C. Law 19-106, § 4, 59 DCR 440; Sept. 26, 2012, D.C. Law 19-171, § 203, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-633.7.

1973 Ed., § 1-362.7.

Effect of Amendments

D.C. Law 13-38, in subsec. (e), in the first sentence of the introductory paragraph, substituted "paragraphs (1)-(26)" for "paragraphs (1)-(24)", and added pars. (25) and (26).

D.C. Law 13-49, in par. (20) of subsec. (e), substituted "§ 9-806" for § 9-803 "; in par. (3) of subsec. (f), substituted "Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367)" for "Mayor's Order 94-115, issued May 9, 1994 (41 DCR 2864)"; validated previously made technical amendments; and repealed pars. (31), (33), and (34) of subsec. (f), which previously read:

"(31) The Board of Chiropractic, established by § 2-3302.16;"

"(33) The Board of Respiratory Care, established by § 2-3302.14;

"(34) The Board of Social Work, established by § 2-3302.12; and".

D.C. Law 13-91, in subsec. (a), substituted "§ 1-611.51" for "§ 1-611.1"; and in subsec. (f), in par. (15), substituted "The Board of Real Estate, established by § 47-2853.6(h)" for "The Real Estate Commission of the District of Columbia, established by § 45-1923", in par. (29), substituted "The Board of Barber and Cosmetology, established by § 47-2853.6(c)" for "The Barber and Cosmetology Board, established by § 2-422", in par. (30), substituted "The Board of Real Estate Appraisers, established by § 47-2853.6(g)" for "The Board of Appraisers, established by § 45-3202", in par. (32), substituted "The Board of Funeral Directors, established by § 47-2853.6(f)" for "The Board of Funeral Directors, established by § 2-2803", in par. (35), inserted "for the District of Columbia", and added pars. (37) to (40).

D.C. Law 13-105, in subsec. (e), in the first sentence of the introductory paragraph, substituted "paragraphs (1)-(27)" for "paragraphs (1)-(26)", in par. (25), deleted "and" from the end, in par. (26), added "and", and added par. (27).

D.C. Law 13-313 repealed par. (16) of subsec. (f) which had read:

"(16) The Sex Offender Registration Advisory Council, established by § 22-4103;"

D.C. Law 14-18 repealed par. (9) of subsec. (e) which had read:

"(9) The Health and Hospitals Public Benefit Corporation Board of Directors, established by § 44-1102.03;"

D.C. Law 15-354, in subsec. (e), substituted "in this subsection" for ""in paragraphs (1)-(27) of this subsection"; in subsec. (f), substituted "in this subsection" for "in paragraphs (1)-(42) of this subsection", and repealed par. (3) which had read:

"(3) The Board of Appeals and Review, established by Mayor's Order 96-27, issued March 5, 1996 (43 DCR 1367);"

Section 308 of D.C. Law 14-28, in subsec. (f), substituted "(42)" for "(41)" in the introductory paragraph, made nonsubstantive changes to pars. (40) and (41), and added par. (42).

Section 1148 of D.C. Law 14-190, in subsec. (f), made nonsubstantive changes in pars. (39) and (40), and added par. (41).

D.C. Law 15-88, in subsec. (f), made nonsubstantive changes in pars. (41) and (42), and added par. (43).

D.C. Law 15-105, in subsec. (a), substituted "subchapter X-A of Chapter 6 of this title" for "§ 1-610.51"; in par. (14) of subsec. (f), substituted "§ 34-1253.02" for "§ 34-1229"; and, in pars. (40), (41), and (42) of subsec. (f), validated previously made technical corrections.

D.C. Law 15-216 rewrote par. (8) of subsec. (e) which had read:

"(8) The District of Columbia Commission on Human Rights, established by Commission on Human Rights Order, issued July 8, 1971 (C.O. 71-224);"

D.C. Law 15-219, in subsec. (e), substituted "(1)-(28)" for "(1)-(27)" in the lead-in text, deleted "and" following the semicolon in par. (26), substituted "; and" for a period in par. (27), and added par. (28).

D.C. Law 16-91, in par. (e)(5), substituted "Police Complaints" for "Citizen Complaint Review"; repealed par. (e)(23); and added par. (f)(44).

D.C. Law 16-187, in subsec. (f), deleted "and" from the end of par. (43), substituted "; and" for a period at the end of par. (44), and added par. (45).

D.C. Law 16-191, in pars. (42) and (43) of subsec. (f), validated previously made technical corrections.

D.C. Law 16-262, in subsec. (e), added par. (29).

D.C. Law 17-148, in subsec. (e), added par. (30).

D.C. Law 17-108, in subsec. (a)(2), inserted ", or the provisions of § 1- 610.59(a)".

D.C. Law 17-197, in subsec. (f), deleted "and" from the end of par. (44), substituted "; and" for a period at the end of par. (45), and added par. (46).

D.C. Law 17-353, in subsec. (e)(30), substituted "Events, established by § 3- 651" for "Events", in subsec. (f), deleted "; and" from the end of par. (45); substituted "; and" for a period at the end of par. (46), and added par. (47), and validated previously made technical corrections in subsecs. (f)(28), (42), (43), (45).

D.C. Law 18-111 repealed subsec. (e)(12); and, in subsec. (e)(20), substituted "Washington Convention and Sports Authority" for "Washington Convention Center Authority". Prior to repeal, subsec. (e)(12) read as follows:

"(12) The District of Columbia Sports Commission Board of Directors, established by § 3-1404;"

D.C. Law 18-363 repealed subsec. (f)(9), which formerly read:

"(9) The Board of Real Property Assessments and Appeals, established by § 47- 825.01;"

D.C. Law 19-18, in subsec. (f), added par. (48).

D.C. Law 19-106 added subsec. (f)(49).

D.C. Law 19-171 rewrote subsec. (e)(6) and repealed subsecs. (e)(15), (25), (26), and (28), which formerly read:

"(6) The Contract Appeals Board, established by § 2-309.01;"

"(15) The National Capital Revitalization Corporation Board, established by § 2-1219.03;"

"(25) The Redevelopment Land Agency Board of Directors, established by § 6- 301.03;

"(26) The Economic Development Finance Corporation Board of Directors, established by § 2-1207.03;"

"(28) The Board of Directors of the Anacostia Waterfront Corporation, established by § 2-1223.05;"

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 2 of Confirmation Holdover Temporary Amendment Act of 1993 (D.C. Law 10-21, September 30, 1993, 41 DCR 7214).

For temporary (225 day) amendment of section, see § 2(b) of Board of Trustees of the University of the District of Columbia Temporary Amendment Act of 1999 (D.C. Law 13-95, April 12, 2000, law notification 47 DCR 2846).

Section 2 of D.C. Law 16-215, in subsec. (f), in par. (43), struck "and" at the end, in par. (44) substituted "; and" for the period, and added par. (45) to read as follows:

"(45) The Commission on African Affairs, established by section 4 of the Office and Commission on African Affairs Act of 2006, effective June 8, 2006 (D.C. Law 16-111; D.C. Official Code § 2-1393)."

Section 5(b) of D.C. Law 16-215 provides that the act shall expire after 225 days of its having taken effect.

Section 3 of D.C. Law 19-75, in subsec. (b), substituted "; provided, that the Mayor is authorized to make new interim appointments of members serving on the Board of Real Property Assessments and Appeals, established by D.C. Official Code § 47-825.01, as of October 1, 2011, who may continue to serve in that capacity until the Chairperson and Vice-Chairperson for the Real Property Tax Appeals Commission for the District of Columbia have been approved by the Council and appointed by the Mayor in accordance with D.C. Official Code § 47-825.01a(a)(1)(F)." for a period at the end.

Section 8(b) of D.C. Law 19-75 provides that the act shall expire after 225 days of its having taken effect.

Emergency Act Amendments

For temporary amendment of section, see § 2 of the Confirmation Emergency Amendment Act of 1999 (D.C. Act 13-25, March 15, 1999, 46 DCR 2971).

For temporary (90-day) amendment of section, see § 2 of the Confirmation Act Congressional Review Emergency Amendment Act of 1999 (D.C. Act 13-92, June 4, 1999, 46 DCR 5330).

For temporary (90-day) amendment of section, see § 1103 of the Service Improvement and Fiscal Year 2000 Budget Support Emergency Act of 1999 (D.C. Act 13-110, July 28, 1999, 46 DCR 6320).

For temporary (90-day) amendment of section, see § 3 of the Board of Trustees of the University of the District of Columbia Emergency Amendment Act of 1999 (D.C. Act 13-210, December 17, 1999, 47 DCR 9).

For temporary (90-day) amendment of section, see § 27 of the District of Columbia Housing Authority Emergency Act of 1999 (D.C. Act 13-259, February 9, 2000, 47 DCR 1129).

For temporary (90-day) amendment of section, see § 3 of the Board of Trustees of the University of the District of Columbia Congressional Review Emergency Amendment Act of 2000 (D.C. Act 13-280, March 7, 2000, 47 DCR 2022).

For temporary (90-day) amendment of section, see § 27 of the District of Columbia Housing Authority Congressional Review Emergency Act of 2000 (D.C. Act 13-346, June 5, 2000, 47 DCR 4980).

For temporary (90 day) amendment of section, see § 1148 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

For temporary (90 day) amendment of section, see § 201(b) of Anacostia Waterfront Corporation Emergency Act of 2004 (D.C. Act 15-586, November 1, 2004, 51 DCR 10681).

For temporary (90 day) amendment of section, see § 2 of Office and Commission on African Affairs Clarification Emergency Amendment Act of 2006 (D.C. Act 16- 501, October 23, 2006, 53 DCR 9051).

For temporary (90 day) amendment of section, see § 2 of Office and Commission on African Affairs Clarification Congressional Review Emergency Amendment Act of 2007 (D.C. Act 17-5, January 16, 2007, 54 DCR 1448).

For temporary (90 day) amendment of section, see § 2082(a) of Fiscal Year 2010 Budget Support Second Emergency Act of 2009 (D.C. Act 18-207, October 15, 2009, 56 DCR 8234).

For temporary (90 day) amendment of section, see § 2082(a) of Fiscal Year Budget Support Congressional Review Emergency Amendment Act of 2009 (D.C. Act 18-260, January 4, 2010, 57 DCR 345).

For temporary (90 day) amendment of section, see § 3 of Real Property Tax Appeals Commission Establishment Clarification Emergency Amendment Act of 2011 (D.C. Act 19-169, October 11, 2011, 58 DCR 8905).

For temporary (90 day) amendment of section, see § 3 of Real Property Tax Appeals Commission Establishment Clarification Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-256, December 21, 2011, 58 DCR 11219).

Legislative History of Laws

Law 2-142 was introduced in Council and assigned Bill No. 2-11, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on October 17, 1978 and October 31, 1978, respectively. Vetoed by the Mayor on November 27, 1978, and enacted without signature on December 12, 1978, it was assigned Act No. 2-312 and transmitted to both Houses of Congress for its review.

For legislative history of D.C. Law 7-201, see Historical and Statutory Notes following § 1-603.01.

For legislative history of D.C. Law 7-231, see Historical and Statutory Notes following § 1-611.11.

Law 10-4, the "Confirmation Temporary Amendment Act of 1993," was introduced in Council and assigned Bill No. 10-172. The Bill was adopted on first and second readings on March 2, 1993, and April 7, 1993, respectively. Approved without the signature of the Mayor on April 30, 1993, it was assigned Act No. 10-22 and transmitted to both Houses of Congress for its review. D.C. Law 10-4 became effective on June 24, 1993.

Law 10-39, the "Confirmation Act of 1993," was introduced in Council and assigned Bill No. 10-148, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on July 30, 1993, it was assigned Act No. 10-74 and transmitted to both Houses of Congress for its review. D.C. Law 10-39 became effective on October 15, 1993.

Law 12-261, the "Second Omnibus Regulatory Reform Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-845, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 1, 1998, and December 15, 1998, respectively. Signed by the Mayor on December 31, 1998, it was assigned Act No. 12-615 and transmitted to both Houses of Congress for its review. D.C. Law 12-261 became effective on April 20, 1999.

For legislative history of D.C. Law 12-(D.C. Act 12-622), see Historical and Statutory Notes following § 1-603.01.

For Law 13-38, see notes following § 1-603.01.

For Law 13-49, see notes following § 1-616.54.

For Law 13-91, see notes following § 1-602.03.

Law 13-105, the "District of Columbia Housing Authority Act of 1999," was introduced in Council and assigned Bill No. 13-169, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 7, 1999, and December 21, 1999, respectively. Signed by the Mayor on January 18, 2000, it was assigned Act No. 13-254 and transmitted to both Houses of

Congress for its review. D.C. Law 13-105 became effective on May 9, 2000.

For Law 13-313, see notes following § 1-307.67.

Law 14-18, the "Health Care Privatization Amendment Act of 2001", was approved April 30, 2001 by the District of Columbia Financial Responsibility and Management Assistance Authority pursuant to section 207(c) of Public Law 104-8, and assigned DCFRMA-3. The Act was transmitted to both Houses of Congress by the Authority on May 7, 2001, for its review. The Authority gave notice to the Council by letter dated August 6, 2001 that the 30-day Congressional Review Period expired on July 11, 2001. D.C. Law 14-18 became effective on July 12, 2001.

Law 14-28, the "Fiscal Year 2002 Budget Support Act of 2001", was introduced in Council and assigned Bill No. 14-144, which was referred to the Committee Of the Whole. The Bill was adopted on first and second readings on May 1, 2001, and June 5, 2001, respectively. Signed by the Mayor on June 29, 2001, it was assigned Act No. 14-85 and transmitted to both Houses of Congress for its review. D.C. Law 14-28 became effective on October 3, 2001.

For Law 14-190, see notes following § 1-301.131.

Law 15-88, the "Marriage and Family Therapy Amendment Act of 2003", was introduced in Council and assigned Bill No. 15-20, which was referred to Committee on Human Services. The Bill was adopted on first and second readings on October 7, 2003, and November 4, 2003, respectively. Signed by the Mayor on November 25, 2003, it was assigned Act No. 15-256 and transmitted to both Houses of Congress for its review. D.C. Law 15-88 became effective on March 10, 2004.

For Law 15-105, see notes following § 1-301.47.

Law 15-216, the "Commission on Human Rights Establishment Amendment Act of 2004", was introduced in Council and assigned Bill No. 15-51, which was referred to the Subcommittee on Human Rights, Latino Affairs and Property. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 2, 2004, it was assigned Act No. 15-521 and transmitted to both Houses of Congress for its review. D.C. Law 15-216 became effective on December 7, 2004.

Law 15-219, the "Anacostia Waterfront Corporation Act of 2004", was introduced in Council and assigned Bill No. 15-616, which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on June 29, 2004, and July 13, 2004, respectively. Signed by the Mayor on August 5, 2004, it was assigned Act No. 15-527 and transmitted to both Houses of Congress for its review. D.C. Law 15-219 became effective on December 7, 2004.

Law 15-354, the "Technical Amendments Act of 2004", was introduced in Council and assigned Bill No. 15-1130 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 7, 2004, and December 21, 2004, respectively. Signed by the Mayor on February 9, 2005, it was assigned Act No. 15-770 and transmitted to both Houses of Congress for its review. D.C. Law 15-354 became effective on April 13, 2005.

For Law 16-91, see notes following § 1-301.45.

Law 16-187, the "Enhanced Professional Security Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-102, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on June 6, 2006, and July 11, 2006, respectively. Signed by the Mayor on July 25, 2006, it was assigned Act No. 16-465 and transmitted to both Houses of Congress for its review. D.C. Law 16-187 became effective on November 16, 2006.

For Law 16-191, see notes following § 1-325.44.

Law 16-262, the "Homeland Security, Risk Reduction, and Preparedness Amendment Act of 2006", was introduced in Council and assigned Bill No. 16-242, which was referred to Committee on Judiciary. The Bill was adopted on first and second readings on December 5, 2006, and December 19, 2006, respectively. Signed by the Mayor on December 28, 2006, it was assigned Act No. 16-618 and transmitted to both Houses of Congress for its review. D.C. Law 16-262 became effective on March 14, 2007.

Law 17-148, the "Commission on Fashion Arts and Events Establishment Act of 2008", was introduced in Council and assigned Bill No. 17-173 which was referred to the Committee on Economic Development. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 22, 2008, it was assigned Act No. 17-292 and transmitted to both Houses of Congress for its review. D.C. Law 17-148 became effective on April 15, 2008.

For Law 17-108, see notes following § 1-209.05.

Law 17-197, the "Motor Vehicle Theft Prevention Act of 2008", was introduced in Council and assigned Bill No. 17-138 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on April 1, 2008, and May 6, 2008, respectively. Signed by the Mayor on May 23, 2008, it was assigned Act No. 17-394 and transmitted to both Houses of Congress for its review. D.C. Law 17-197 became effective on July 18, 2008.

For Law 17-353, see notes following § 1-129.05.

For Law 18-111, see notes following § 1-301.181.

Law 18-363, the "Real Property Tax Appeals Commission Establishment Act of 2010", was introduced in Council and assigned Bill No. 18-530, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 7, 2010, and December 21, 2010, respectively. Signed by the Mayor on January 28, 2011, it was assigned Act No. 18-714 and transmitted to both Houses of Congress for its review. D.C. Law 18- 363 became effective on April 8, 2011.

Law 19-18, the "Department of Forensic Sciences Establishment Act of 2011", was introduced in Council and assigned Bill No. 19-5, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 3, 2011, and May 7, 2011, respectively. Signed by the Mayor on June 24, 2011, it was assigned Act No. 19-89 and transmitted to both Houses of Congress for its review. D.C. Law 19-18 became effective on August 17, 2011.

Law 19-106, the "Commission on African-American Affairs Establishment Act of 2012", was introduced in Council and assigned Bill No. 19-213, which was referred to the Committee on Aging and Community Affairs. The Bill was adopted on first and second readings on December 20, 2012, and January 4, 2012, respectively. Signed by the Mayor on January 20, 2012, it was assigned Act No. 19-281 and transmitted to both Houses of Congress for its review. D.C. Law 19- 106 became effective on March 14, 2012.

For history of Law 19-171, see notes under § 1-125.

Miscellaneous Notes

Amendment of Organization Order No. 112, establishing Board of Appeals and Review: See Mayor's Order 84-31, February 9, 1984.

SUBCHAPTER IV. MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES.

§ 1-525.01. MODIFICATIONS OF BOARD OF EDUCATION REDUCTION-IN-FORCE PROCEDURES.

(a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be:

- (1) Classified as an Educational Service employee;
- (2) Placed under the personnel authority of the Board of Education; and
- (3) Subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

(Apr. 26, 1996, 110 Stat. 1321 [215], Pub. L. 104-134, § 146; Sept. 9, 1996, 110 Stat. 2372, Pub. L. 104-194, § 139.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-609.2.

Emergency Act Amendments

For temporary addition of subchapter IX-A (Reserved), see § 2(j) of the Legal Service Establishment Emergency Amendment Act of 1998 (D.C. Act 12-620, January 22, 1999, 46 DCR 1343).

SUBCHAPTER V. VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.

§ 1-527.01. VESTING UNDER PREVIOUS DISTRICT OF COLUMBIA RETIREMENT PROGRAM.

For purposes of vesting pursuant to § 1-626.10(b), creditable service with the District for employees whose participation in the District Defined Contribution Plan ceases as a result of the implementation of the Balanced Budget Act of 1997 shall include:

- (1) continuous service performed by nonjudicial employees of the District of Columbia courts after September 30, 1997; and

(2) service performed for a successor employer, including the Department of Justice or the District of Columbia Offender Supervision, Defender, and Courts Services Agency established under § 24-133, that provides services previously performed by the District government.

(Oct. 21, 1998, 112 Stat. 2681-532, Pub. L. 105-277, § 802(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-627.10a.

SUBCHAPTER VI. SPOUSE EQUITY.

§ 1-529.01. APPLICATION.

This chapter shall apply to any District employee or District retiree who is covered by the retirement program defined under § 1-702(7), or the retirement program established by §§ 1-626.03 to 1-626.12, or an officer, member, or retiree of the United States Park Police Force, or an officer, member or retiree of the United States Secret Service to whom the District of Columbia Policemen and Firemen's Retirement and Disability Act (D.C. Code § 5-707 et seq.) applies.

(Mar. 16, 1989, D.C. Law 7-214, § 2, 36 DCR 513; Oct. 16, 1992, 106 Stat. 2167, Pub. L. 102-422, § 1(1); June 28, 1994, 108 Stat. 730, Pub. L. 103-268, § 1(a).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-3001.

Emergency Act Amendments

Section 5 of D.C. Law 11-218 repealed D.C. Act 11-369.

For temporary repeal of the Police Officers', Fire Fighters', and Teachers' Defined Benefit Pension Program Emergency Establishment Act of 1996 (D.C. Act 11-369, August 21, 1996, 41 DCR 4637), see § 5 of the New Hires Police Officers, Fire Fighters, and Teachers Pension Modification Congressional Adjournment Emergency Amendment Act of 1997 (D.C. Act 12-10, March 3, 1997, 44 DCR 1633).

Legislative History of Laws

Law 7-214, the "District of Columbia Spouse Equity Act of 1988," was introduced in Council and assigned Bill No. 7-389, which was referred to the Committee on Government Operations. The Bill was adopted on first and second readings on November 29, 1988 and December 13, 1988, respectively. Signed by the Mayor on January 6, 1989, it was assigned Act No. 7-289 and transmitted to both Houses of Congress for its review.

Law 11-218, the "New Hires Police Officers, Fire Fighters, and Teachers Pension Modification Amendment Act of 1996," was introduced in Council and assigned Bill No. 11-316. The Bill was adopted on first and second readings on July 3, 1996, and October 1, 1996, respectively. Signed by the Mayor on October 18, 1996, it was assigned Act No. 11-432 and transmitted to both Houses of Congress for its review. D.C. Law 11-218 became effective on April 9, 1997.

Effective Dates

Section 1(b) of Pub. L. 103-268 provided that the amendment made by subsection (a) shall take effect as if included in the enactment of the District of Columbia Spouse Equity Act of 1988.

§ 1-529.02. DEFINITIONS.

(a) "Court order" means any judgment, decree, or property settlement issued by or approved by any court of any state, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, or the Virgin Islands, and any Native American court in connection with, or incident to, the divorce, annulment of marriage, or legal separation of an employee or retiree.

(b) "Employee" means an individual who performs a function of the District government and who receives compensation for the performance of the services, as provided in § 1-603.01(7) or an officer, member, or retiree of the United States Park Police Force or an officer, member, or retiree of the United States Secret Service to whom the District of Columbia Policemen and Firemen's Retirement and Disability Act (D.C. Code § 5-707 et seq.) applies.

(c) "Qualifying court order" means one that by its terms awards to a former spouse all or a portion of an employee's or retiree's retirement benefits, a payment from an employee's or retiree's retirement benefits,

or a survivor annuity. The court order must state the former spouse's share as a fixed amount, or a percentage or a fraction of the annuity, and shall indicate whether the former spouse should receive the amount awarded directly from the District. For purposes of awarding a survivor annuity, the court order must also either state the former spouse's entitlement to a survivor annuity or direct the employee or retiree to provide a survivor annuity.

(Mar. 16, 1989, D.C. Law 7-214, § 3, 36 DCR 513; Oct. 16, 1992, 106 Stat. 2167, Pub. L. 102-422, § 1(2), (3).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-3002.

Legislative History of Laws

For legislative history of D.C. Law 7-214, see Historical and Statutory Notes following § 1-529.01.

Miscellaneous Notes

Law 17-358 amended this section subject to congressional enactment.

§ 1-529.03. COMPLIANCE WITH COURT ORDERS.

(a) For purposes of this section, "former spouse" means a living person whose marriage to an employee or retiree has been subject to a divorce, annulment, or legal separation resulting in a court order, except that with respect to an award of a survivor annuity, it additionally means a living person:

- (1) Who was married for at least 9 months to an employee or retiree who performed at least 18 months creditable service in a position covered by 1 or more of the retirement systems in § 1-529.01; and
- (2) Whose marriage to the employee or retiree was terminated prior to the death of the employee or retiree.

(b) The Mayor shall comply with any qualifying court order that is issued prior to the employee's retirement. Any qualifying court order that awards the entire amount the retirement system is responsible for with respect to that employee bars recovery by any other person.

(c) The Mayor shall comply with any qualifying court order that is issued after the employee's retirement only to the extent it is consistent with any election previously executed at the time of retirement by the employee regarding that former spouse. Any qualifying court order that awards the entire amount the retirement system is responsible for with respect to that employee bars recovery by any other person.

(d) The Mayor is not obligated to comply with qualifying court orders issued prior to March 16, 1989.

(e)(1) Any reduction in an employee's annuity, made pursuant to the relevant retirement system in order to provide for a survivor annuity awarded by court order, shall cease upon remarriage of the former spouse if the remarriage occurs before age 55.

- (2) Payment of a survivor annuity to a former spouse pursuant to a court order shall cease upon the remarriage of the former spouse if the remarriage occurs before age 55.

(Mar. 16, 1989, D.C. Law 7-214, § 4, 36 DCR 513.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-3003.

Legislative History of Laws

For legislative history of D.C. Law 7-214, see Historical and Statutory Notes following § 1-529.01.

Miscellaneous Notes

Law 17-358 amended this section subject to congressional enactment.

§ 1-529.04. ENROLLMENT IN HEALTH BENEFITS PLAN.

(a) For purposes of this section, "former spouse" means a living person:

- (1) Who was married for at least 9 months to an employee or retiree who performed at least 18 months creditable service in a position covered by 1 or more of the retirement systems referred to in § 1-529.01;
- (2) Whose marriage to the employee or retiree was terminated prior to the death of the employee or

retiree;

(3) Who was enrolled as a family member in a health benefits plan approved under the Federal Health Benefits Program or in a plan approved under §§ 1- 621.05 through 1-621.13 at any time during the 18-month period before the dissolution of the marriage by divorce, annulment, or legal separation; and

(4) Who is receiving any portion of an annuity or survivor's annuity or is entitled to receive an annuity or survivor's annuity pursuant to an election by the employee at the time of retirement, a qualifying court order, or the provisions of the retirement system.

(b) Any former spouse of an employee or of a retiree may enroll in a health benefits plan approved under the Federal Employee Health Benefits Program or in a plan approved under §§ 1-621.05 through 1-621.13.

(c) Any former spouse who enrolls in a health benefits plan pursuant to subsection (b) of this section may elect to enroll either as an individual or for self and family, subject to an agreement by the former spouse to pay the full subscription charge of the enrollment, including any amount set aside for the administration of the health benefits plan and any necessary reserves as determined by the Mayor.

(d) Only former spouses whose marriages were dissolved after March 16, 1989 through divorce, annulment, or legal separation shall be eligible to enroll in the health benefits plans.

(Mar. 16, 1989, D.C. Law 7-214, § 6, 36 DCR 513.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-3004.

Legislative History of Laws

For legislative history of D.C. Law 7-214, see Historical and Statutory Notes following § 1-529.01.

Miscellaneous Notes

Law 17-358 amended this section subject to congressional enactment.

§ 1-529.05. RULES.

The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the provisions of this chapter. The proposed rules shall be submitted to the Council of the District of Columbia ("Council") for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved. Nothing in this section shall affect any requirements imposed upon the Mayor by subchapter I of Chapter 5 of Title 2.

(Mar. 16, 1989, D.C. Law 7-214, § 7, 36 DCR 513.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 1-3005.

Emergency Act Amendments

For temporary (90 day) addition of §§ 1-531.01 and 1-531.02, see § 3702 of Fiscal Year 2003 Budget Support Emergency Act of 2002 (D.C. Act 14-453, July 23, 2002, 49 DCR 8026).

Legislative History of Laws

For legislative history of D.C. Law 7-214, see Historical and Statutory Notes following § 1-529.01.

SUBCHAPTER VII. OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING.

§ 1-531.01. REIMBURSEMENT FOR REPRESENTATION BY OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING.

(a) Any agency that is represented by the Office of Labor Relations and Collective Bargaining ("OLRCB") in third-party cases, grievances, and dispute resolution shall pay the cost of representation established through an intradistrict agreement with the OLRCB.

(b) Beginning in Fiscal Year 2003, the OLR CB shall calculate and assess the costs for representing agencies under the direct personnel authority of the Mayor in third-party cases, grievances, and dispute resolution. The OLR CB shall negotiate the cost of representing an independent agency in third-party cases, grievances, and dispute resolution with the independent agency.

(Oct. 1, 2002, D.C. Law 14-190, § 3802, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

Law 14-190, the "Fiscal Year 2003 Budget Support Act of 2002", was introduced in Council and assigned Bill No. 14-609, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 7, 2002, and June 4, 2002, respectively. Signed by the Mayor on July 3, 2002, it was assigned Act No. 14-403 and transmitted to both Houses of Congress for its review. D.C. Law 14-190 became effective on October 1, 2002.

§ 1-531.02. BUDGET FOR OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING.

Beginning with the proposed budget for Fiscal Year 2004, the Mayor shall provide in the budget funding for the Office of Labor Relations and Collective Bargaining ("OLR CB") represented as a separate line or responsibility center. The Mayor shall include in the budget request submitted to the Council historical spending information for the OLR CB so that an accurate, complete comparison can be made of the fiscal costs for the OLR CB.

(Oct. 1, 2002, D.C. Law 14-190, § 3803, 49 DCR 6968.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 14-190, see notes following § 1-531.01.