

**DISTRICT OF COLUMBIA**  
**OFFICIAL CODE**

**TITLE 47.**  
**TAXATION, LICENSING, PERMITS,**  
**ASSESSMENTS, AND FEES.**

**CHAPTER 36.**  
**EMPLOYEE DEFERRED COMPENSATION**  
**PROGRAM.**

**2001 Edition**

**DISTRICT OF COLUMBIA OFFICIAL CODE**

**CHAPTER 36. EMPLOYEE DEFERRED**

**COMPENSATION PROGRAM.**

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# CHAPTER 36. EMPLOYEE DEFERRED COMPENSATION PROGRAM.

## **§ 47-3601. AUTHORIZED; TREATMENT OF BENEFITS; EMPLOYEE ELIGIBILITY; EXCLUSION FROM CERTAIN REVIEW AND COLLECTIVE BARGAINING PROVISIONS.**

(a)(1) There shall be established an employee deferred compensation program which meets the requirements of this section and § 457 of the Internal Revenue Code of 1954 and the regulations and interpretations thereunder.

(2) The employee deferred compensation program shall be in addition to any other retirement, pension, or benefit system established by law, and no deferral of income under the employee deferred compensation program shall effect a reduction of the amount of any other retirement, pension or other benefit provided by law. Any amount deferred under the employee deferred compensation program shall be included in the employee's compensation for purposes of computing contributions to existing life insurance, retirement systems, F.I.C.A. or any other system keyed to the employee's scheduled rate of pay, but shall not be included for the purposes of computing federal or District income tax withholdings on behalf of any such employee.

(3) Any amount of compensation deferred under the employee deferred compensation program and any income attributable to the amount so deferred, shall be includible in the employee's District gross income pursuant to Chapter 18 of this title only for the taxable years in which such compensation or other income is paid or otherwise made available to the employee or other beneficiary, and shall be subject to District income tax withholding for such year pursuant to Chapter 18 of this title.

(b) Members of boards and commissions whose pay is set under § 1-611.08 shall not be eligible to participate in the employee deferred compensation program.

(c) The Mayor may enter into an agreement with any personnel authority or independent agency for the purpose of extending to the employees of such personnel authority or independent agency eligibility to participate in the employee deferred compensation program.

(d) The provisions of this section are not subject to review by the Office of Employee Appeals under subchapter VI of Chapter 6 of Title 1, nor are they subject to the provisions of subchapter XVII of Chapter 6 of Title 1, concerning collective bargaining.

(Sept. 26, 1984, D.C. Law 5-118, § 2, 31 DCR 4034; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-3601.

#### *Legislative History of Laws*

Law 5-118, the "Deferred Compensation Act of 1984," was introduced in Council and assigned Bill No. 5-177, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on June 26, 1984 and July 10, 1984, respectively. Signed by the Mayor on July 13, 1984, it was assigned Act No. 5-170 and transmitted to both Houses of Congress for its review.

#### *References in Text*

Section 457 of the Internal Revenue Code of 1954, referred to in paragraph (1) of subsection (a) of this section, is classified to 26 U.S.C. § 457.

#### *Delegation of Authority*

Delegation of authority under D.C. Law 5-118, see Mayor's Order 85-64, May 20, 1985.

## **§ 47-3602. REGULATIONS.**

The Mayor shall promulgate regulations which enable employees to participate in a voluntary tax-sheltered income deferment program which meets the requirements of § 457 of the Internal Revenue Code of 1954, and the regulations and interpretations thereunder. The regulations shall include, but not be limited to:

- (1) Provision for the receipt of the compensation deferred and for the use of such funds in accordance with any investment election permitted employees participating in the employee deferred compensation program;
- (2) Provision for a contract agreement between the Mayor and any employee who desires to defer compensation under the employee deferred compensation program; and
- (3) Provision for and limitations on the types of instruments, securities, accounts or other items in which compensation deferred under the employee deferred compensation program may be invested.

(Sept. 26, 1984, D.C. Law 5-118, § 3, 31 DCR 4034; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-3602.

#### *Legislative History of Laws*

For legislative history of D.C. Law 5-118, see Historical and Statutory Notes following § 47-3601.

#### *References in Text*

Section 457 of the Internal Revenue Code of 1954, referred to in the first sentence of the introductory language of the section, is classified to 26 U.S.C. § 457.

#### *Miscellaneous Notes*

District of Columbia Deferred Compensation Committee Established: See Mayor's Order 85-135, August 2, 1985.

## **§ 47-3603. CONTRACTS FOR SERVICES.**

- (a) The Mayor may select 1 or more contractors to provide such services as may be part of the employee deferred compensation program.
- (b) The cost of any contract for provision of such services as may be part of the employee deferred compensation program shall be financed solely from employee contributions to the employee deferred compensation program or from a fund or funds established to administer the employee deferred compensation program.

(Sept. 26, 1984, D.C. Law 5-118, § 4, 31 DCR 4034; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-3603.

#### *Legislative History of Laws*

For legislative history of D.C. Law 5-118, see Historical and Statutory Notes following § 47-3601.

## **§ 47-3604. ANNUAL REPORT.**

The Mayor shall, before February 2nd each year, submit to the Council an annual report which details the activities, and operation of the employee deferred compensation program for the preceding fiscal year.

(Sept. 26, 1984, D.C. Law 5-118, § 5, 31 DCR 4034; enacted, Apr. 9, 1997, D.C. Law 11-254, § 2, 44 DCR 1575.)

### *HISTORICAL AND STATUTORY NOTES*

#### *Prior Codifications*

1981 Ed., § 47-3604.

#### *Legislative History of Laws*

For legislative history of D.C. Law 5-118, see Historical and Statutory Notes following § 47-3601.