

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 5.
POLICE, FIREFIGHTERS, MEDICAL
EXAMINER, AND FORENSIC SCIENCES.

CHAPTER 4.
FIRE AND EMERGENCY MEDICAL SERVICES
DEPARTMENT.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 4. FIRE AND EMERGENCY MEDICAL
SERVICES DEPARTMENT.

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CHAPTER 4. FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT.

SUBCHAPTER I. GENERAL.

§ 5-401. AREA OF SERVICE; DIVISION OF DISTRICT INTO FIRE COMPANIES; PRE-HOSPITAL CARE AND SERVICES; APPROVAL REQUIRED FOR MAJOR CHANGES IN MANNER OF FIRE PROTECTION.

(a) The Fire and Emergency Medical Services Department ("Department") shall provide fire prevention and fire protection within the geographical boundaries of the District of Columbia. The District shall be divided into such fire companies, and other units as the Council of the District of Columbia may from time to time direct. Major changes in the manner the Department provides fire protection and fire prevention shall be approved by resolution of the Council.

(b) The Department shall provide pre-hospital medical care and transport within the geographical boundaries of the District of Columbia. Major changes in the manner the Department provides emergency medical services shall be approved by resolution of the Council.

(c) The Department shall provide oversight to ensure the safety and security of DC Streetcar operations as provided in § 5-401.01.

(June 20, 1906, 34 Stat. 314, ch. 3443, § 1; Apr. 7, 1977, D.C. Law 1-111, § 2, 23 DCR 9384; Apr. 15, 2008, D.C. Law 17-147, § 2(a), 55 DCR 2558; Mar. 25, 2009, D.C. Law 17-353, § 232, 56 DCR 1117; Sept. 20, 2012, D.C. Law 19-168, § 6012(a), 59 DCR 8025; Sept. 26, 2012, D.C. Law 19-171, § 38, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-301.

1973 Ed., § 4-401.

Effect of Amendments

D.C. Law 17-147 designated the existing text as subsec. (a); in subsec. (a), substituted "Fire and Emergency Medical Services Department ('Department') for "Fire Department"; and added subsec. (b).

D.C. Law 17-353 validated a previously made technical correction in subsec. (a); and, in subsec. (b), deleted "Fire and Emergency Medical Services" preceding "Department".

D.C. Law 19-168 added subsec. (c).

D.C. Law 19-171 made a technical amendment to D.C. Law 17-147, § 2(a)(2), that did not change the text of the section.

Emergency Act Amendments

For temporary change in the Fire and Emergency Medical Services Department to allow it to rotate the closing of no more than 8 companies on a daily basis, see § 202 of the Fiscal Year 1996 Budget Support Emergency Act of 1996 (D.C. Act 11-264, April 26, 1996, 43 DCR 2412).

For temporary (90-day) implementation of management reforms involving safety equipment and personnel, see § 1012 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) addition, see § 3002 of Fiscal Year 2010 Budget Support Emergency Act of 2009 (D.C. Act 18-187, August 26, 2009, 56 DCR 7374).

Legislative History of Laws

Law 1-111, the "Fire Department Operations Act of 1976," was introduced in Council and assigned Bill No. 1-

377, which was referred to the Committee on Public Safety. The Bill was adopted on first and second readings on July 27, 1976, and September 15, 1976, respectively. Enacted without signature by the Mayor on January 7, 1977, it was assigned Act. No. 1-198 and transmitted to both Houses of Congress for its review.

Law 17-147, the "Emergency Medical Services Improvement Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-170 which was referred to the Committee on Public Safety and Judiciary. The Bill was adopted on first and second readings on January 8, 2008, and February 5, 2008, respectively. Signed by the Mayor on February 25, 2008, it was assigned Act No. 17-313 and transmitted to both Houses of Congress for its review. D.C. Law 17-147 became effective on April 15, 2008.

Law 17-353, the "Technical Amendments Act of 2008", was introduced in Council and assigned Bill No. 17-994 which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on December 2, 2008, and December 16, 2008, respectively. Signed by the Mayor on January 15, 2009, it was assigned Act No. 17-687 and transmitted to both Houses of Congress for its review. D.C. Law 17-353 became effective on March 25, 2009.

For history of Law 19-168, see notes under § 5-119.10.

For history of Law 19-171, see notes under § 5-131.03.

Miscellaneous Notes

Relocation of Engine Company No. 3: Pursuant to Resolution 5-407, the "Relocation of Engine Company No. 3 Resolution of 1983," effective November 1, 1983, the Council authorized the relocation of Engine Company No. 3.

Redesignation of fire department: See Mayor's Order 90-147, October 31, 1990.

Relocation of Engine Company No. 24 Resolution of 1994: Pursuant to Resolution 10-247, effective January 14, 1994, the Council authorized the relocation of Engine Company No. 24 of the Fire and Emergency Medical Services Department.

Closing of companies: For temporary changes in Fire and Emergency Services Department, see § 502 of the Omnibus Budget Support Emergency Act of 1995 (D.C. Act 11-44, April 28, 1995, 42 DCR 2217), and § 802 of the Omnibus Budget Support Congressional Review Emergency Act of 1995 (D.C. Act 11-124, July 27, 1995, 42 DCR 4160).

Section 802 of D.C. Law 11-52 provided that, pursuant to D.C. Law 1-111, the Council approved the following changes in the Fire and Emergency Services Department:

(1) The Fire and Emergency Medical Services Department may permanently close Rescue Squad 4, located at 4930 Connecticut Avenue, N.W., and Truck Company 1, located at 500 F Street, N.W.

(2) The Fire and Emergency Medical Services Department may rotate the closing of no more than 5 companies on a daily basis.

Section 201 of D.C. Law 11-152, provided that pursuant to § 5-401, the Council approves the change in the Fire and Emergency Medical Services Department to allow it to rotate the closing of no more than 8 companies on a daily basis.

Section 404 of D.C. Law 11-198 provided that "notwithstanding any other provision of law, the Fire and Emergency Medical Services Department shall discontinue the rotational closing of any fire or rescue company after September 30, 1996."

Section 405 of D.C. Law 11-198 repealed § 802(2) of D.C. Law 11-52.

Section 406 of D.C. Law 11-198 repealed § 201 of D.C. Act 11-279.

Section 1001 of D.C. Law 11-198 provided that titles I, II, III, V, and VI and §§ 405 and 406 of the act shall apply after September 30, 1996.

Section 1012 of D.C. Law 13-38 provides:

"(a) The Mayor shall direct the Chief of the Fire and Emergency Medical Services Department ('Department') to establish as a funding priority for the Department, the purchase of equipment, including state of the art air masks and radios, and other articles identified in the Reconstruction Committee Report on the October 24, 1997, fire that resulted in the death of Sergeant Carter; and to implement a dual role/cross trained/firefighter/paramedic pilot program within the Department, using existing and other funds which may become available, including overtime funds, during Fiscal Year 2000.

"(b) The Mayor shall direct the Department Chief to deploy 2 Advanced Life Support Paramedics on 4 engine companies in the Department's fleet. The Mayor shall direct the Chief to utilize existing or overtime funds to implement this project. The Mayor shall direct the Department Chief to consult with the Council before he determines which 4 engine companies will participate in the pilot program."

Short title: Section 6011 of D.C. Law 19-168 provided that subtitle B of title VI of the act may be cited as "State Safety Oversight Agency Establishment Amendment Act of 2012".

§ 5-401.01. STATE SAFETY OVERSIGHT AGENCY FOR DC STREETCAR.

(a) The Fire and Emergency Medical Services Department is designated as the state safety oversight agency, as required by 49 C.F.R. § 659.9, and shall require, review, approve, and monitor the safety program for the DC Streetcar, established pursuant to § 50-921.04(2)(E).

(b) The Fire Chief shall issue rules, in accordance with Federal Transit Administration requirements listed in 49 C.F.R. § 659, to implement subsection (a) of this section and § 5-401(c).

(June 20, 1906, 34 Stat. 314, ch. 3443, § 1a, as added Sept. 20, 2012, D.C. Law 19-168, § 6012(b), 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For history of Law 19-168, see notes under § 5-119.10.

§ 5-402. APPOINTMENTS AND PROMOTIONS COVERED BY CIVIL SERVICE; SELECTION OF FIRE CHIEF AND DEPUTY FIRE CHIEFS; ORIGINAL APPOINTMENT AND TRANSFER OF PRIVATES; VACANCIES.

(a) The Mayor of the District of Columbia shall appoint, assign to such duty or duties as he may prescribe, promote, reduce, fine, suspend, with or without pay, and remove all officers and members of the Fire Department of the District of Columbia, according to such rules and regulations as the Council of the District of Columbia, in its exclusive jurisdiction and judgment (except as herein otherwise provided), may from time to time make, alter, or amend; provided, that the rules and regulations of the Fire Department heretofore promulgated are hereby ratified (except as herein otherwise provided) and shall remain in force until changed by said Council; provided further, that all officers, members, and civilian employees of such Department, except the Fire Chief and Deputy Fire Chiefs, shall be appointed and promoted in accordance with the provisions of §§ 1101 to 1103, 1105, 1301 to 1303, 1307, 1308, 2102, 2951, 3302 to 3306, 3318, 3319, 3321, 3361, 7202, 7321, 7322, and 7352 of Title 5, United States Code, and the rules and regulations made in pursuance thereof, in the same manner as members of the classified civil service of the United States, except as herein otherwise provided; provided further, that the Deputy Fire Chiefs shall be selected from among the battalion fire chiefs, the Fire Marshal, and the superintendent of machinery; provided further, that all original appointments of privates shall be made to class 1, privates who have served 1 year in class 1 shall, if found efficient, be transferred to class 2, and privates who have served 2 years in class 2 shall, if found efficient, be transferred to class 3. Such transfers shall not be subject to the provisions of said sections of Title 5, United States Code, and the rules and regulations made in pursuance thereof. Whenever vacancies occur in class 2 or 3 which cannot be filled by such transfers, the Mayor may appoint additional privates in class 1 equal in number to the positions vacant in class 2 or 3; and any moneys appropriated for the payment of the salaries for such vacant positions shall be available to pay to such additional privates of class 1 the salaries of their grade.

(a-1)(1) The Mayor shall appoint the Fire Chief, with the advice and consent of the Council, pursuant to § 1-523.01(a).

(2) The Fire Chief may be selected for appointment from among the ranks of officers and members of the Fire and Emergency Medical Services Department, or from outside the department.

(3) A person selected for appointment as Fire Chief from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to § 1-610.52 and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in subchapter X-A of Chapter 6 of Title 1.

(4) A person selected for appointment as Fire Chief from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to § 1-610.52 and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Fire and Emergency Medical Services Department.

(b)(1) The Fire Chief shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to Battalion Fire Chief and Deputy Fire Chief that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Fire Chief shall review national standards, such as the National Fire Protection Association's Standard on Fire Officer Professional Qualifications.

(2) All candidates for the position of Battalion Fire Chief and Deputy Fire Chief shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.

(June 20, 1906, 34 Stat. 314, ch. 3443, § 2; Jan. 24, 1920, 41 Stat. 396, ch. 54; Sept. 30, 2004, D.C. Law 15-194, § 103, 51 DCR 9406; Apr. 15, 2008, D.C. Law 17-147, § 2(b), 55 DCR 2558; May 13, 2008, D.C. Law

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-302.

1973 Ed., § 4-402.

Effect of Amendments

D.C. Law 15-194 designated the existing text as subsection (a); and added subsec. (b).

D.C. Law 17-147, in subsec. (a), deleted "the Fire Chief of the Fire Department shall be selected from among the Deputy Fire Chiefs, the battalion fire chiefs, the Fire Marshal and the superintendent of machinery;" following "provided further, that.

D.C. Law 17-154 added subsec. (a-1).

Legislative History of Laws

For Law 15-194, see notes following § 5-105.01.

For Law 17-147, see notes following § 5-401.

For Law 17-154, see notes following § 5-105.01.

References in Text

Former 5 U.S.C. § 3306, referred to in the second proviso of the first sentence, was repealed February 10, 1978, 92 Stat. 25, Pub. L. 95-228, § 1. 5 U.S.C. § 3319 was repealed October 13, 1978, 92 Stat. 1149, Pub. L. 95-454, § 307. For provisions similar to these repealed sections, see 5 U.S.C. § 7201 et seq., generally. Former 5 U.S.C. § 7152 was transferred October 13, 1978, by 92 Stat. 1216, Pub. L. 95-454 to 5 U.S.C. § 7202. Appropriate changes have been made in the text of this section.

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 402(107) 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 the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. 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.

Miscellaneous Notes

Office of Chief Engineer abolished: The Office of Chief Engineer of the Fire Department was abolished and all functions of that office transferred to and vested in the Fire Chief. The Deputy Chief Engineer of the Fire Department was designated "Deputy Fire Chief," and the Battalion Chief Engineer was designated "Battalion Fire Chief" by Reorganization Order No. 6, dated September 16, 1952, issued pursuant to Reorganization Plan No. 5 of 1952. Reorganization Order No. 38, dated June 18, 1953, established a Fire Department headed by the Fire Chief. The Fire Chief was given full authority over the Department to be exercised in accordance with applicable laws, rules, and regulations. The Order set up the organization of the Department, and provided that the previously existing Fire Department was abolished and its functions transferred to the new Department. This Order was issued pursuant to Reorganization Plan No. 5 of 1952. Reorganization Order No. 38 was amended by Mayor's Order 81-233a, dated November 9, 1981. That Order set forth the organization of the Fire Department.

Application of Titles I and VI of D.C. Law 15-194: Section 1301 of D.C. Law 15-194 provides:

"Titles I and VI of this act shall apply to pre-1980 employees of the Metropolitan Police Department and the Fire and Emergency Medical Services Department upon their enactment by Congress."

§ 5-403. AGE LIMITS IN ORIGINAL APPOINTMENTS.

The Council of the District of Columbia is hereby authorized to determine and fix the minimum and maximum limits of age within which original appointments to the Fire Department may be made.

(Jan. 24, 1920, 41 Stat. 398, ch. 54, § 4.)

Prior Codifications

1981 Ed., § 4-303.

1973 Ed., § 4-403.

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 402(108) 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 the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. 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.

§ 5-404. COMPOSITION; 2-PLATOON SYSTEM; SERVICES OF VETERINARY SURGEON; ATTENDANCE BY POLICE SURGEON.

The Fire Department of the District of Columbia shall be composed of and operated upon a 2-platoon system and the personnel thereof shall consist of 1 Fire Chief; such number of Deputy Fire Chiefs, all of whom shall have had at least 5 years of experience in some regularly organized municipal fire department, and battalion fire chiefs as said Mayor of the District of Columbia may deem necessary from time to time within the appropriations made by Congress; 1 fire marshal; such number of deputy fire marshals, inspectors, and clerks as said Mayor may deem necessary from time to time within the appropriations made by Congress; such number of captains, lieutenants, and sergeants as said Mayor may deem necessary from time to time within the appropriations made by Congress; 1 superintendent of machinery; and such number of assistant superintendents of machinery, pilots, marine engineers, assistant marine engineers, marine firemen, privates of class 6, privates of class 5, privates of class 4, privates of class 3, privates of class 2, privates of class 1, hostlers, and laborers as said Mayor may deem necessary from time to time within the appropriations made by Congress; provided, that the Fire Chief of the Fire Department of the District of Columbia shall have the right to call for and obtain the services of any veterinary surgeon employed by the District who at the time shall not be engaged in a more emergent veterinary service for the District; provided further, that the police surgeons of said District are required to attend, without charge, the members of the Fire Department of said District, and examine all applicants for appointment to, promotion in, and retirement from said Fire Department.

(June 20, 1906, 34 Stat. 314, ch. 3443, § 3; Jan. 24, 1920, 41 Stat. 397, ch. 54; June 19, 1948, 62 Stat. 498, ch. 530, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-304.

1973 Ed., § 4-404.

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.

Miscellaneous Notes

Office of Chief Engineer abolished: See Historical and Statutory Notes following § 5-402.

§ 5-404.01. MEDICAL DIRECTOR.

(a)(1) The Mayor shall appoint, with the advice and consent of the Council in accordance with paragraph (2) of this subsection, a Medical Director of the Fire and Emergency Medical Services Department ("Department"), who shall hold the rank of Assistant Fire Chief. The Medical Director shall report directly to the Fire Chief, but may be removed only by the Mayor.

(2) Except as provided in paragraph (3) of this subsection, the Mayor shall submit a nomination for Medical Director 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 the 90-day review period, the nomination shall be deemed disapproved.

(3) The Mayor shall not be required to submit to the Council the appointment of the incumbent Medical Director serving as of December 19, 2007.

(b) To be eligible for appointment, the Medical Director shall:

(1) Be a physician licensed to practice medicine in the District of Columbia;

(2) Be board certified in a medical specialty that represents the broad patient base that the Department serves, such as emergency medicine, general surgery, family medicine, or internal medicine; and

(3) Have at least 4 years of substantial experience in emergency medical services, such as experience as a medical director or assistant medical director of emergency medical services, or successful completion of a recognized fellowship in emergency medical services.

(c) The Medical Director shall maintain clinical practice at a District hospital or hold an appointment at an accredited academic medical center within the District.

(d) The Medical Director shall:

(1) Provide medical oversight for all aspects of pre-hospital medical services provided by the Department, including:

(A) Written policies, procedures, and protocols for pre-hospital medical care;

(B) Medical training; and

(C) Quality assurance of medical services;

(2) Supervise the administration of pre-hospital medical care; and

(3) Work collaboratively with the Fire Chief, Assistant and Deputy Fire Chiefs, and other personnel in the Department.

(e)(1) The provision of pre-hospital medical care by the Department's certified emergency medical technicians and paramedics shall be under the license of the Medical Director.

(2) The Medical Director shall not be personally liable for the good-faith performance of the Medical Director's duties under this act for a death or injury that results from the provision of pre-hospital medical care by the Department's certified emergency medical technicians or paramedics practicing under the license of the Medical Director unless the death or injury is the result of willful misconduct or gross negligence of the Medical Director.

(f)(1) The Medical Director shall have the authority to order hospital emergency rooms within the District of Columbia not to close to Department transports and to require hospitals and medical providers to accept the transfer of care of a patient or patients within a specified period of time.

(2) The Department may transport patients to a pre-approved clinic or other medical facility that is not a hospital emergency room, appropriate to the patient's need.

(3) The Medical Director shall have the authority to work directly with the Mayor, the Director of the Department of Health, and other appropriate agencies to develop programs or make written agreements with clinics or other health care providers to receive the Department's transport of patients.

(4) The Medical Director shall have the authority to work with the District-based hospitals to coordinate pre-hospital medical services with medical research of best practices for delivery of pre-hospital medical care.

(June 20, 1906, 34 Stat. 314, ch. 3443, § 3a, as added Apr. 15, 2008, D.C. Law 17-147, § 2(c), 55 DCR 2558.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 17-147, see notes following § 5-401.

§ 5-405. WORKWEEK ESTABLISHED; HOURS OF DUTY; DAYS OFF DUTY;

HOLIDAYS.

(a) Beginning with the 1st day of the 1st pay period which begins not less than 120 days after enactment of this amendatory subsection or which begins on or after July 1, 1962, whichever is later, the Mayor of the District of Columbia is authorized and directed to establish a workweek for officers and members of the Firefighting Division of the Fire Department of the District of Columbia which will result in an average workweek of not to exceed 48 hours during an administratively established workweek cycle which the Mayor is hereby authorized to establish from time to time.

(b) The Firefighting Division shall operate under a 2-shift system and all hours of duty of any shift shall be consecutive.

(c) The Mayor of the District of Columbia is further authorized and directed to establish a workweek for officers and members of the Fire Department, other than those in the Firefighting Division, of 40 hours, and the hours of work in such workweek shall be performed on consecutive days in such workweek: Provided, that notwithstanding the provisions of this subsection, the Mayor of the District of Columbia or his designated agent or agents may, whenever the exigencies of the Fire Department require temporary or short-term services of 1 or more officers or members, order such officer, officers, member, or members to perform such services.

(d) The days off duty to which each officer or member of the Fire Department is entitled shall be in addition to his annual leave and sick leave allowed by law. In the case of any shift of the Fire Department beginning on 1 day and extending without a break in continuity into the next day, or in the case of 2 shifts beginning on the same day, the Mayor is authorized to designate the shift which shall be the workday, and the entire shift so designated shall be considered the workday for all pay and leave purposes.

(e) If a holiday shall fall on any day off of any officer or member of the Fire Department, he shall be excused from duty on such other day as is designated by the Mayor of the District of Columbia, and if he is required to be on duty in lieu of such day off, he shall receive compensation for such duty at the rate provided by law for duty performed on a holiday. When any shift of the Fire Department begins on the day before a holiday and extends without a break in continuity into the holiday, or begins on a holiday and extends without a break in continuity into the next day, the Mayor of the District of Columbia is authorized to designate either of such shifts as the holiday workday, and the entire shift so designated shall be considered as the holiday workday for all pay and leave purposes. As used in this subsection, the word "holiday" shall have the same meaning as such word has in § 5-521.02, and as supplemented by § 6103 of Title 5, United States Code.

(f) For fiscal years 2011, 2012, and 2013, and except as provided in subsection (h) of this section, no member of the Fire and Emergency Medical Services Department, except for officers, shall work more than 204 hours in 2 consecutive pay periods.

(g) For fiscal years 2011, 2012, and 2013, and except as provided in subsection (h) of this section, no officer or member shall be permitted to earn overtime compensation for overtime work performed in a pay period after that officer or member has received sick leave in the same pay period.

(h) The restrictions in subsections (f) and (g) of this section shall not apply during pay periods 1 and 2 of calendar year 2013.

(June 19, 1948, 62 Stat. 498, ch. 530, § 2; Aug. 4, 1955, 69 Stat. 491, ch. 549, § 2; Oct. 5, 1961, 75 Stat. 830, Pub. L. 87-399, §§ 1, 2; Sept. 25, 1962, 76 Stat. 596, Pub. L. 87-697, §§ 1, 2; Oct. 21, 1965, 79 Stat. 1015, Pub. L. 89-282, § 2; Sept. 24, 2010, D.C. Law 18-223, § 3023, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, § 3013, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 3023, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-305.

1973 Ed., § 4-404a.

Effect of Amendments

D.C. Law 18-223 added subsecs. (f) and (g).

D.C. Law 19-21, in subsecs. (f) and (g), substituted "fiscal years 2011 and 2012" for "fiscal year 2011".

D.C. Law 19-168, in subsec. (f), substituted "2011, 2012, and 2013, and except as provided in subsection (h) of this section" for "2011 and 2012"; in subsec. (g), substituted "2011, 2012, and 2013, and except as provided in subsection (h) of this section," for "2011 and 2012"; and added subsec. (h).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3023 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

Law 18-223, the "Fiscal Year 2011 Budget Support Act of 2010", was introduced in Council and assigned Bill

No. 18-731, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 26, 2010, and June 15, 2010, respectively. Signed by the Mayor on July 2, 2010, it was assigned Act No. 18-462 and transmitted to both Houses of Congress for its review. D.C. Law 18-223 became effective on September 24, 2010.

Law 19-21, the "Fiscal Year 2012 Budget Support Act of 2011", was introduced in Council and assigned Bill No. 19-203, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on May 25, 2011, and June 14, 2011, respectively. Signed by the Mayor on July 22, 2011, it was assigned Act No. 19-98 and transmitted to both Houses of Congress for its review. D.C. Law 19-21 became effective on September 14, 2011.

For history of Law 19-168, see notes under § 5-119.10.

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.

§ 5-406. APPROPRIATIONS FOR UNIFORMS AND OTHER EQUIPMENT.

For furnishing uniforms and all other official equipment prescribed by Department regulations as necessary and requisite in the performance of duty, there is hereby authorized to be appropriated a sum for each member of the Fire Department of the District of Columbia, to be expended subject to rules and regulations to be prescribed by the Mayor of the District of Columbia.

(May 25, 1926, 44 Stat. 635, ch. 381; Apr. 15, 2008, D.C. Law 17-147, § 3, 55 DCR 2558.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-306.

1973 Ed., § 4-406.

Effect of Amendments

D.C. Law 17-147 deleted "not exceeding \$75 per annum" following "sum".

Emergency Act Amendments

For temporary (90 day) addition of section, see § 2 of FEMS Uniformed Members Labor Day Fundraising for Muscular Dystrophy Exemption Emergency Act of 2011 (D.C. Act 19-114, July 28, 2011, 58 DCR 6538).

Legislative History of Laws

For Law 17-147, see notes following § 5-401.

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.

§ 5-407. RESIGNATION WITHOUT NOTICE; ENGAGING IN STRIKE; CONSPIRACY TO OBSTRUCT OPERATIONS OF DEPARTMENT.

(a) No officer or member of said Fire Department, under penalty of forfeiting the salary or pay which may

be due him, shall withdraw or resign, except by permission of the Mayor of the District of Columbia, unless he shall have given the said Mayor 1 month previous notice, in writing, of such intention.

(b) No member of the Fire Department of the District of Columbia shall directly or indirectly engage in any strike of such Department. Upon sufficient proof to the Mayor of the District of Columbia that any member of the Fire Department of the District of Columbia has violated the provisions of this subsection, it shall be the duty of the Mayor of the District of Columbia to immediately discharge such member from the service.

(c) Any member of the Fire Department of the District of Columbia who enters into a conspiracy, combination, or agreement with the purpose of substantially interfering with or obstructing the efficient conduct or operation of the Fire Department of the District of Columbia by a strike or other disturbance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$300 or by imprisonment of not more than 6 months, or by both.

(June 20, 1906, 34 Stat. 315, ch. 3443, § 5; Jan. 24, 1920, 41 Stat. 398, ch. 54, § 2; July 31, 1939, 53 Stat. 1143, ch. 397.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-307.

1973 Ed., § 4-407.

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.

§ 5-408. FIREFIGHTING DIVISION--RECORDING ANNUAL AND SICK LEAVE.

(a) For the purpose of recording annual and sick leave on the hourly basis for officers and members of the Firefighting Division of the Fire Department of the District of Columbia, the workday of any workweek shall be considered to be 12 hours.

(b) For the purposes of recording on an hourly basis annual and sick leave taken by officers and members of the Firefighting Division, the following formula shall be used:

(1) During the day shift of 10 hours, one and two-tenths hours of leave shall be charged for each hour taken;

(2) During the night shift of 14 hours, twelve-fourteenths of an hour of leave shall be charged for each hour taken, calculated to the nearest fractional tenth.

(Oct. 5, 1961, 75 Stat. 832, Pub. L. 87-399, § 6.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-308.

1973 Ed., § 4-408a.

§ 5-409. FIREFIGHTING DIVISION--ACCRUEMENT OF ANNUAL LEAVE; ADJUSTMENT OF ACCUMULATED LEAVE; TRANSFERS; MAXIMUM ACCUMULATIONS.

(a) In lieu of the annual leave to which officers and members of the Firefighting Division of the Fire Department of the District of Columbia are entitled under the provisions of §§ 6302 to 6305, and 6310 of Title 5, United States Code, such officers and members shall be entitled to annual leave which shall accrue as follows:

(1) Four and eight-tenths hours for each full biweekly pay period in the case of officers and members

with less than 3 years service;

(2) Seven and five-tenths hours for each full biweekly pay period in the case of officers and members with 3 but less than 15 years service;

(3) Nine and six-tenths hours for each biweekly pay period in the case of officers and members with 15 years or more service.

(b) Accumulated annual leave to the credit of each officer and member of such Firefighting Division shall be adjusted by applying a four fifths factor so that each officer and member of such Firefighting Division shall be given credit for four fifths of a day of leave for each day of such accumulated annual leave, and thereafter accumulated annual leave credited to him pursuant to §§ 6301 to 6305 and 6307 to 6311 of Title 5, United States Code, shall be similarly adjusted when an officer or member is transferred to the Firefighting Division from another agency or from another division of the Fire Department.

(c) When an officer or member of such Firefighting Division is transferred to another agency or to another division of the Fire Department whose employees are entitled to annual leave with pay pursuant to §§ 6301 to 6305 and 6307 to 6311 of Title 5, United States Code, the reverse of the formula in subsection (b) of this section shall be applied for the purpose of adjusting accumulated annual leave.

(d) For computation on an hourly basis, all adjusted days of annual leave or fractions thereof, as provided in subsections (b) and (c) of this section, and days of sick leave shall be multiplied by 12 to determine the number of hours of annual or sick leave to which each such officer or member of such Firefighting Division shall be entitled, and the number of hours of annual or sick leave shall be divided by 12 to determine the number of days, or fraction thereof, of annual or sick leave to which such officer or member of such Firefighting Division shall be entitled.

(e) Notwithstanding any provision in any other law, the amount of annual leave accumulated on the effective date of this section, if 30 days or more, shall, upon conversion to the new total in accordance with this section, be the maximum accumulation authorized; provided, that if the amount of annual leave accumulated before the conversion is less than 30 days on the effective date of this section, then, after conversion to the new total, leave which is not used shall accumulate for use in succeeding years until it totals no more than 24 days at the beginning of the 1st complete biweekly pay period.

(Sept. 25, 1962, 76 Stat. 596, Pub. L. 87-697, § 4.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-309.

1973 Ed., § 4-408b.

References in Text

The "effective date of this section," referred to twice in subsection (e), is prescribed by § 5 of the Act of September 25, 1962, 76 Stat. 596, Pub. L. 87- 697.

§ 5-409.01. PARAMEDIC AND EMERGENCY MEDICAL TECHNICIAN LATERAL TRANSFER TO FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT.

(a) Notwithstanding any other law or regulation, the Mayor is authorized to provide for the transfer of Fire and Emergency Medical Services Department personnel holding valid certificates as paramedics or emergency medical technicians, or All Hazards/Emergency Medical Services ("EMS") Specialists, to be uniformed firefighters.

(1) Transfer shall be to the firefighter step and class with a rate of pay closest to, but not lower than, the rate of pay earned by the employee prior to transfer.

(2) Transferred employees may elect to participate in the District of Columbia Police Officers' and Fire Fighters' Retirement Program established pursuant to Chapter 9 of Title 1 ("Program").

(3) Transfer is conditioned on the transferred employee meeting the requirements for entry-level firefighters, including meeting established medical standards, undergoing a background check, and successfully completing a physical abilities test and the firefighting training program.

(4) Transferred employees are required to meet citizenship requirements set forth by law or regulation.

(5) Maximum age limitations for appointment shall not apply to transferred employees.

(a-1)(1) As of March 31, 2009, the Mayor is authorized to provide for the designation of Fire and Emergency Medical Services Department personnel holding valid certificates as paramedics or emergency medical technicians to be All Hazards/EMS Specialists.

(2) The Mayor shall develop pay parity, that reflects training and responsibility, between All

Hazards/EMS Specialists and uniformed fire fighters; provided, that the rate of pay earned by each employee shall not be lower than the rate of pay immediately prior to March 31, 2009.

(3) Employees transferred pursuant to this subsection may elect to participate in the Program.

(4)(A) All Hazards/EMS Specialists who are participants in the defined contribution plan under § 1-626.05(3) may elect to participate in the Program.

(B) All Hazards/EMS Specialists who are participants in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code and who are not eligible to retire under the Civil Service Retirement System on or within 31 days of March 31, 2009, may make an irrevocable, one-time election to participate in the Program.

(5)(A) If an All Hazards/EMS Specialist is a participant in the defined contribution plan under § 1-626.05(3) and elects to participate in the Program, all of the employee's interest in contributions and earnings under the defined contribution plan shall be transferred from the defined contribution plan to the District of Columbia Police Officers and Fire Fighters' Retirement Fund in accordance with § 5-704(i)(2)(B) or (C). Upon such transfer of funds, the All Hazard(s)/EMS Specialist shall cease to be a participant in or have an account under the defined contribution plan.

(B) An All Hazards/EMS Specialist who is a participant in the defined benefit plan under the Civil Service Retirement System in Chapter 83 of Title 5 of the United States Code, who is not eligible to retire under the Civil Service Retirement System on or within 31 days of March 31, 2009, and who elects to participate in the Program may elect to receive credit for prior service covered by the defined benefit plan in accordance with § 5-704(i)(2)(D).

(6) The Mayor shall provide for basic training for all hazards and allow All Hazards/EMS Specialists to meet adjusted fitness standards that fairly and reasonably accommodate their incumbent status, including their age and level of experience.

(7) The Mayor shall provide MSS Paramedic Supervisory Personnel ("Supervisory") designated as All Hazards/EMS Specialists with appropriate promotional opportunities and shall avoid pay compression between Supervisory and non-Supervisory All Hazards/EMS Specialists.

(b) The Mayor, pursuant to subchapter I of Chapter 2 of Title 1, may issue rules to implement the provisions of this title [section].

(Oct. 3, 2001, D.C. Law 14-28, § 202, 48 DCR 6981; Mar. 13, 2004, D.C. Law 15-105, § 37(a), 51 DCR 881; Mar. 31, 2009, D.C. Law 17-356, § 2, 56 DCR 1614; Sept. 26, 2012, D.C. Law 19-171, § 39, 59 DCR 6190.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 15-105, in subsec. (a)(2), validated a previously made technical correction.

D.C. Law 17-356, in subsec. (a), substituted "technicians, or All Hazards/Emergency Medical Services ("EMS") Specialists," for "technicians" in the lead-in language and rewrote par. (2); and added subsec. (a-1). Prior to amendment, par. (2) of subsec. (a) read as follows:

"(2) Transferred employees may elect to participate in the Police Officers and Fire Fighters' Retirement Fund pursuant to § 1-903.01."

D.C. Law 19-171 validated a previously made technical correction in subsec. (a-1)(2).

Emergency Act Amendments

For temporary (90 day) addition of section, see § 202 of Fiscal Year 2002 Budget Support Emergency Act of 2001 (D.C. Act 14-124, August 3, 2001, 48 DCR 7861).

Legislative History of Laws

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.

Law 15-105, the "Technical Amendments Act of 2003", was introduced in Council and assigned Bill No. 15-437, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 4, 2003, and December 2, 2003, respectively. Signed by the Mayor on January 6, 2004, it was assigned Act No. 15-291 and transmitted to both Houses of Congress for its review. D.C. Law 15-105 became effective on March 13, 2004.

Law 17-356, the "Paramedic and Emergency Medical Technician Transition Amendment Act of 2008", was introduced in Council and assigned Bill No. 17-768 which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on December 2, 2008, and December 2, 2008, respectively. Approved without the signature of the Mayor on February 2, 2009, it was assigned Act No.

17-723 and transmitted to both Houses of Congress for its review. D.C. Law 17-356 became effective on March 31, 2009.

For history of Law 19-171, see notes under § 5-131.03.

Miscellaneous Notes

Section 4 of D.C. Law 17-356 provides that this act shall apply upon the inclusion of its fiscal effect in an approved budget and financial plan.

The Budget Director of the Council of the District of Columbia has determined, as of February 15, 2012, that the fiscal effect of Law 17-356 has not been included in an approved budget and financial plan. Therefore, the provisions of this section, enacted by Law 17-356, are not in effect.

§ 5-410. RESTRICTIONS ON LEAVING DISTRICT; OR BEING ABSENT FROM DUTY.

No member of the Fire Department of the District of Columbia shall, unless on leave of absence, go beyond the confines of the District of Columbia, or be absent from duty without permission.

(July 25, 1956, 70 Stat. 647, ch. 726, § 2; Aug. 21, 1964, 78 Stat. 583, Pub. L. 88-471, § 6(f); Sept. 30, 2004, D.C. Law 15-194, § 1201(b), 51 DCR 9406.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-310.

1973 Ed., § 4-409a.

Effect of Amendments

D.C. Law 15-194 deleted the second sentence which had read: "Nothing in this section shall be construed to limit the right of officers and members of the Fire Department to reside anywhere within the Washington, District of Columbia, Metropolitan District."

Legislative History of Laws

For Law 15-194, see notes following § 5-105.01.

§ 5-411. EXTRA EQUIPMENT AUTHORIZED FOR VOLUNTEER FIRE ORGANIZATION.

The Mayor of the District of Columbia is authorized to install under such rules and regulations as the Council of the District of Columbia may prescribe, in any suburb of the said District, such extra apparatus and appliances belonging to the Fire Department of the District of Columbia as may, in his opinion, be available for the use of any volunteer fire organization which may be created in such suburb; and such apparatus and appliances shall be maintained in proper condition for service by the purchase of the necessary supplies out of the appropriations provided for the Fire Department of the District of Columbia.

(May 26, 1908, 35 Stat. 298, ch. 198.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-311.

1973 Ed., § 4-411.

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 402(109) 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 the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. 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.

§ 5-412. USE OF CERTAIN BUILDINGS GRANTED.

The right of use and occupancy of the buildings and appurtenances known as the Union, Franklin, Columbia, and Anacostia Engine Houses, granted to the City of Washington for the purposes of the Fire Department, shall continue during the pleasure of Congress so long as used for such purposes.

(R.S., D.C., § 192; Feb. 27, 1877, 19 Stat. 253, ch. 69, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-312.

1973 Ed., § 4-412.

§ 5-413. CONSTRUCTION OF APPARATUS.

On and after June 29, 1956, the Mayor of the District of Columbia in his discretion may authorize the construction, in whole or in part, of firefighting apparatus in the Fire Department repair shop.

(June 29, 1956, 70 Stat. 443, ch. 479, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-313.

1973 Ed., § 4-413.

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.

§ 5-414. RECIPROCAL AGREEMENTS FOR MUTUAL AID; AVAILABILITY OF PERSONNEL AND EQUIPMENT TO FEDERAL GOVERNMENT; SERVICE PERFORMED IN LINE OF DUTY.

(a) The Council of the District of Columbia is hereby authorized in its discretion to enter into and to renew reciprocal agreements, for such period as it deems advisable, with the appropriate county, municipal, and other governmental units in Prince George's and Montgomery Counties, Maryland, and Arlington and Fairfax Counties, Virginia, with the City of Alexandria, Virginia, with the City of Falls Church, Virginia, and with incorporated or unincorporated fire departments, fire companies, and organizations of firemen in such Counties and Cities, in order to establish and carry into effect a plan to provide mutual aid, through the furnishing of firefighting personnel and equipment, by and for the District of Columbia and such Counties and Cities, for the extinguishment of fires and for the preservation of life and property in emergencies, in the District and in such Counties and Cities.

(b) The District of Columbia shall not enter into any such agreement unless the agreement provides that each of the parties to such agreement shall:

(1) Waive any and all claims against all the other parties thereto which may arise out of their activities outside their respective jurisdictions under such agreement; and

(2) Indemnify and save harmless the other parties to such agreement from all claims by 3rd parties for property damage or personal injury which may arise out of the activities of the other parties to such agreement outside their respective jurisdictions under such agreement.

(c) The Mayor of the District of Columbia is hereby authorized to make available to the federal government personnel and equipment of the Fire Department of the District to extinguish fires, and to save lives, on property of the federal government in Prince George's and Montgomery Counties, Maryland; Arlington and Fairfax Counties, Virginia; and the City of Alexandria, Virginia; and the City of Falls Church, Virginia.

(d) For the purposes of subchapter I of Chapter 7 of this title, service performed by any officer or member of the Fire Department of the District of Columbia under any mutual-aid agreement entered into by the District pursuant to this section, service performed by any officer or member of the Fire Department of the District of Columbia at any other city, area, municipality, or other location where they shall have been directed to respond for the purpose of saving lives, extinguishing fires, or preserving property on orders of the Mayor of the District of Columbia or of the Fire Chief of said Fire Department or his acting designee, and service performed under subsection (c) of this section by any such officer or member in extinguishing fires, or saving lives, on property of the federal government, shall be held and considered to be service performed in line of duty.

(Aug. 14, 1950, 64 Stat. 441, ch. 706, §§ 1-4; Aug. 21, 1964, 78 Stat. 585, Pub. L. 88-473, § 1.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-314.

1973 Ed., § 4-414.

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 402(110) 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 the District of Columbia Council, subject to the right of the Commissioner as provided in § 406 of the Plan. 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.

Miscellaneous Notes

Office of Chief Engineer abolished: See Historical and Statutory Notes following § 5-402.

§ 5-415. SERVICES TO DISTRICT INSTITUTIONS LOCATED OUTSIDE THE DISTRICT.

The Mayor of the District of Columbia is authorized to make provisions and payment for the furnishing of fire prevention and fire protection services to District of Columbia government institutions located outside the District of Columbia.

(Oct. 26, 1973, 87 Stat. 505, Pub. L. 93-140, § 8.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-315.

1973 Ed., § 4-415.

Change in Government

This section originated at a time when local government powers were delegated to the District of Columbia Council and to a Commissioner of the District of Columbia. 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.

§ 5-416. EMERGENCY AMBULANCE SERVICE FEES.

(a) The Mayor, with the approval of the Council by resolution, and after the Council holds a public hearing, may establish from time to time a fee to be charged for transportation services provided by the emergency ambulance service of the Fire and Emergency Medical Services Department ("Department") in such amount as may be reasonable in consideration of the interests of the public and the persons required to pay the fee, and in consideration of the approximate cost of furnishing such services; provided, that no one shall be denied the services because of his or her inability to pay and further provided that no one shall be

questioned about his or her ability to pay at the time the services are requested.

(b)(1) A health care facility shall reimburse the Department for the cost of emergency ambulance services, as determined under subsection (a) of this section, incurred by a patient resident of the health care facility if the health care facility requests ambulance transport services from the Department and the patient's healthcare insurance denies payment for the ambulance transport after a determination that the transportation did not meet the medical necessity standard as provided in section 410.40(d) of Title 42 of the Code of Federal Regulations.

(2) For the purposes of this subsection, the term:

(A) "Ambulance" means any publicly owned vehicle specially designed, constructed, modified, or equipped for use as a means for transporting patients in a medical emergency or any publicly owned vehicle that is advertised, marked, or in any way held out as a vehicle for the transportation of patients in a medical emergency.

(B) "Health care facility" shall have the same meaning as provided in § 44- 1051.02(5).

(Apr. 19, 1977, D.C. Law 1-124, § 502, 23 DCR 8749; Apr. 15, 2008, D.C. Law 17-147, § 4, 55 DCR 2558; May 26, 2011, D.C. Law 18-373, § 2, 58 DCR 613.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-316.

1973 Ed., § 4-416.

Effect of Amendments

D.C. Law 17-147 substituted "The Mayor, with the approval of the Council by resolution, and after the Council holds a public hearing, may" for "The Mayor of the District of Columbia is authorized, after a public hearing, to".

D.C. Law 18-373 designated the existing text as subsec. (a); in subsec. (a), substituted "emergency ambulance service of the Fire and Emergency Medical Services Department ('Department')" for "Emergency Ambulance Service of the Fire Department"; and added subsec. (b).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 102 of Public Safety Legislation Sixty-Day Layover Emergency Amendment Act of 2010 (D.C. Act 18-693, January 18, 2011, 58 DCR 640).

For temporary (90 day) amendment of section, see § 102 of Public Safety Legislation Sixty-Day Layover Congressional Review Emergency Amendment Act of 2011 (D.C. Act 19-45, April 20, 2011, 58 DCR 3701).

Legislative History of Laws

Law 1-124, the "Revenue Act for Fiscal Year 1978," was introduced in Council and assigned Bill No. 1-375, which was referred to the Committee on Finance and Revenue. The Bill was adopted on first and second readings on December 3, 1976 and December 17, 1976, respectively. Signed by the Mayor on January 25, 1977, it was assigned Act No. 1-226 and transmitted to both Houses of Congress for its review.

For Law 17-147, see notes following § 5-401.

Law 18-373, the "Health and Safety 911 Abuse Prevention Amendment Act of 2010", was introduced in Council and assigned Bill No. 18-692, which was referred to the Committee on Public Safety and the Judiciary. The Bill was adopted on first and second readings on November 9, 2010, and December 7, 2010, respectively. Signed by the Mayor on January 12, 2011, it was assigned Act No. 18-682 and transmitted to both Houses of Congress for its review. D.C. Law (Act 18-682) became effective on May 26, 2011.

Miscellaneous Notes

Emergency Ambulance Division established: Mayor's Order 81-233a, dated November 9, 1981, established an Emergency Ambulance Division in the Fire Department. The Order set forth the functions and supervision of the Division.

Short title: Section 3003 of D.C. Law 17-219 provided that subtitle B of title III of the act may be cited as the "Ambulance Fee Act of 2008".

Section 3006 of D.C. Law 17-219 provides:

"The Mayor shall explore all reasonable options for billing Medicaid and Medicare for costs of ambulance services. If the Mayor cannot raise \$3.5 million from Medicaid and Medicare billing, the Mayor shall issue rules pursuant to section 502 of the Revenue Act for Fiscal Year 1978, effective April 19, 1977 (D.C. Law 1-124; D.C. Official Code § 5-416), effective October 1, 2008, to increase ambulance fees to an amount sufficient to raise up to \$3.5 million in revenue in fiscal year 2009 and fiscal year 2010. The rules shall be submitted to the Council not later than September 15, 2008."

§ 5-417. ARSON REPORTING.

(a) If the Fire Marshal or any agency empowered to investigate the cause of, or circumstances attendant upon, a fire loss involving real or personal property within the District of Columbia or empowered to institute criminal prosecutions for criminal acts causing, or related to, a fire loss has reason to believe that a fire was caused by other than accidental means, the Fire Marshal or such authorized agency may require, by written demand, any insurer investigating a fire loss to release any relevant information in its possession relating to that fire loss. Relevant information may include, but is not limited to:

- (1) The insurance policy in force;
- (2) Applications for an insurance policy;
- (3) The premium payments record;
- (4) The history of previous claims made; and
- (5) Material relating to the investigation of the loss, including statements of any person, proof of loss, and any other evidence relevant to the investigation.

(b) Whenever an insurer has reason to believe that a fire loss in which it has an interest may have been caused by other than accidental means, the insurer shall, for the purpose of having the fire loss investigated, notify the Fire Marshal or an authorized agency in writing and furnish the Fire Marshal or such agency with all relevant information acquired during its investigation of the fire loss.

(c) No insurer (or person acting on behalf of an insurer) who in good faith furnished information pursuant to subsection (a) or (b) of this section shall be liable therefor.

(d) Any information or evidence furnished pursuant to subsection (a) or (b) of this section shall be held in confidence by and among the Fire Marshal and authorized agencies, except that such information or evidence may be released in a criminal or civil proceeding in accordance with applicable court rules.

(e) Whoever shall knowingly: (1) refuse to release any information requested pursuant to subsection (a) of this section; (2) fail to notify or supply information to the Fire Marshal or an authorized agency pursuant to subsection (b) of this section; or (3) fail to hold in confidence information required to be held in confidence in accordance with the provisions of subsection (d) of this section shall be fined not more than \$10,000.

(June 19, 1982, D.C. Law 4-19, § 2(a)-(e), 29 DCR 1952.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-317.

Legislative History of Laws

Law 4-119, the "District of Columbia Arson Reporting Immunity Act of 1982," was introduced in Council and assigned Bill No. 4-135, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on March 23, 1982, and April 6, 1982, respectively. Signed by the Mayor on May 4, 1982, it was assigned Act No. 4-182 and transmitted to both Houses of Congress for its review.

§ 5-417.01. FIRE AND ARSON INVESTIGATION--AUTHORITY GENERALLY; AUTHORITY TO ENTER AND EXAMINE; ARREST AND WARRANT POWERS.

(a) The Fire Chief, the Fire Marshal, and his authorized representative shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the Fire Department has a reasonable interest. When the Fire Chief, the Fire Marshal, or his authorized representative has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any material, substance, device, or utility in, or upon, any building or property where the emergency occurred until such time as the investigation of the incident is complete; provided, however, that the Metropolitan Police Department shall be the primary investigative agency in fires, explosions, and hazardous materials incidents involving critical injury, death, or assaults with intent to kill.

(b) The Fire Chief, the Fire Marshal, or his authorized representative shall have the authority at all times, in performance of the duties imposed by the provisions of this section, to enter upon or examine any area, building or premises, vehicle or other thing when there is probable cause to believe that fires or attempts to cause fires exist or which at the time are burning. He shall have the authority to enter, at any time, any building or property adjacent to that on which the fire or attempt to cause fires occurred, should he deem it necessary in the proper discharge of his duties, and may, at his discretion, take full control and custody of

such buildings and premises and place such person in charge thereof as he may deem proper until his examination and investigation shall be complete.

(c) The Fire Marshal and such other personnel, as are designated in writing by the Fire Chief, shall have and exercise and are hereby invested with, the same general police powers including arrest powers as regular members of the Metropolitan Police Department for the express purpose of enforcing the fire safety laws in effect in the District of Columbia, including, but not limited to, this section. This power shall extend to any arrest, the securing of warrants pursuant to Chapter 5 of Title 23, or other lawful action necessary to permit the peaceful completion of any lawful action by the Fire Department; provided, that the Fire Marshal and other designated arson investigators, shall have successfully completed a course of training in the safe handling of firearms and the use of deadly force, and each person shall be qualified to use a firearm according to the standards applicable to officers of the Metropolitan Police Department. The employee may not carry a firearm in the course of official duties unless designated by the Fire Chief in writing as having the authority to carry a firearm. The Fire Chief shall issue written guidelines pertaining to the authority to carry firearms, the appropriate use of firearms, firearms issuance and security, the use of force including prohibitions on the use of the chokehold pursuant to subchapter XIII of Chapter 1 of this title, searches and seizures, and arrests.

(Mar. 26, 1999, D.C. Law 12-176, § 2, 45 DCR 5662.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-317.1.

Emergency Act Amendments

For temporary addition of section, see § 2 of the Arson Investigators Emergency Amendment Act of 1998 (D.C. Act 12-406, July 13, 1998, 45 DCR 4388), § 2 of the Arson Investigators Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-466, October 28, 1998, 45 DCR 7838), see § 2 of the Arson Investigators Second Congressional Review Emergency Amendment Act of 1998 (D.C. Act 12-539, December 24, 1998, 45 DCR 297).

Legislative History of Laws

Law 12-176, the "Arson Investigator Amendment Act of 1998," was introduced in Council and assigned Bill No. 12-485, which was referred to the Committee on the Judiciary. The Bill was adopted on first and second readings on May 5, 1998 and June 2, 1998, respectively. Signed by the Mayor on July 20, 1998, it was assigned Act No. 12-418 and transmitted to both Houses of Congress for its review. D.C. Law 12-176 became effective on March 26, 1999.

§ 5-418. CADET PROGRAM -- AUTHORIZED; PURPOSE; PREFERENCE FOR APPOINTMENT; APPROPRIATIONS.

(a) The Chief of the Fire and Emergency Medical Services Department may establish a cadet program for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District of Columbia, to the operations of the Fire and Emergency Medical Services Department and the duties, tasks, and responsibilities of serving as a dual-trained firefighter/paramedic/emergency medical technician with the Fire and Emergency Medical Services Department. The Fire Chief shall establish performance measures for the program.

(b) A person successfully completing the required training and service in a cadet program established pursuant to this section shall be accorded full preference for appointment as a member of the Metropolitan Police Department or of the Fire and Emergency Medical Services Department, if the person shall have met all other requirements pertaining to membership in the chosen Department.

(c) There may be appropriated the funds necessary for the administration of this section.

(Mar. 9, 1983, D.C. Law 4-172, § 2(b)-(d), 29 DCR 5745; Sept. 30, 2004, D.C. Law 15-194, § 402(a), (b), 51 DCR 9406.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-318.

Effect of Amendments

D.C. Law 15-194 rewrote subsec. (a); and in subsec. (b), substituted "Fire and Emergency Medical Services Department" for "District of Columbia Fire Department". Prior to amendment, subsec. (a) had read as follows:

"(a) The Chief of the District of Columbia Fire Department may establish a firefighter cadet program for the purpose of instructing, training, and exposing interested persons, primarily young adults residing in the District

of Columbia, to the operations of the District of Columbia Fire Department and the duties, tasks, and responsibilities of serving as a firefighter with the District of Columbia Fire Department."

Legislative History of Laws

Law 4-172, the "Police Officer and Firefighter Cadet Programs Funding Authorization and Human Rights Act of 1977 Amendment Act of 1982," was introduced in Council and assigned Bill No. 4-421, which was referred to the Committee on the Judiciary and the Committee on Education. The Bill was adopted on first and second readings on October 19, 1982, and November 16, 1982, respectively. Signed by the Mayor on December 8, 1982, it was assigned Act No. 4-254 and transmitted to both Houses of Congress for its review.

For Law 15-194, see notes following § 5-105.01.

§ 5-419. CADET PROGRAM--RULES.

The Mayor or the Mayor's designated agent may issue rules necessary for the implementation and operation of the cadet programs established pursuant to §§ 5-109.01 and 5-418.

(Mar. 9, 1983, D.C. Law 4-172, § 6, 29 DCR 5745.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 4-319.

Legislative History of Laws

For legislative history of D.C. Law 4-172, see Historical and Statutory Notes following § 5-418.

SUBCHAPTER II. FIRE AND EMERGENCY MEDICAL SERVICES TRAINING.

PART A. TRAINING FOR NON-DISTRICT PERSONNEL.

§ 5-431. FIRE AND EMERGENCY MEDICAL SERVICES TRAINING FOR NON-DISTRICT OF COLUMBIA PERSONNEL.

(a) The Mayor may provide training to non-District of Columbia government agencies, organizations, and individuals through the Fire and Emergency Medical Services Department ("Department"), including hazardous materials training, firefighting training, emergency medical technician training, fire extinguisher safety training, and cardiopulmonary resuscitation training.

(b) The Mayor may impose fees to cover the costs of any training provided under subsection (a) of this section. The fees shall be established in accordance with Chapter 5 of Title 2.

(Nov. 13, 2003, D.C. Law 15-39, § 702, 50 DCR 5668.)

HISTORICAL AND STATUTORY NOTES

Emergency Act Amendments

For temporary (90 day) addition, see § 702 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) addition, see § 702 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 15-39, see notes following § 5-101.04.

Delegation of Authority

Delegation of Authority Pursuant to Title VII of the Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003, effective September 22, 2003 (D.C. Act 15-149; 50 DCR 8389), see Mayor's Order 2004-7, January 14, 2004 (51 DCR 873).

Miscellaneous Notes

Short title of title VII of Law 15-39: Section 701 of D.C. Law 15-39 provided that title VII of the act may be cited as the Fire and Emergency Medical Services Training Act of 2003.

§ 5-432. ESTABLISHMENT OF FIRE AND EMERGENCY MEDICAL SERVICES TRAINING FUND.

(a) There is established a lapsing Fire and Emergency Medical Services Training Fund ("Fund"), which shall be separate from the General Fund of the District of Columbia. All fees generated under § 5-431(b) shall be deposited into the Fund, and any interest earned on these deposits shall be credited to the Fund.

(b) The monies in the Fund shall be expended solely and exclusively to cover the costs directly associated with operating the Department's training programs, and shall be used to acquire improved technology and equipment, to hire, train, and certify staff, and to otherwise improve the quality of the training programs offered by the Department.

(c) Repealed.

(d) Nothing in this section shall be construed as prohibiting or limiting the allocation of additional funds from the revenues of the District of Columbia for the purposes designated in subsection (b) of this section.

(Nov. 13, 2003, D.C. Law 15-39, § 703, 50 DCR 5668; Sept. 14, 2011, D.C. Law 19-21, § 9046, 58 DCR 6226.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 19-21, in subsec. (a), substituted "lapsing" for "nonlapsing, revolving"; and repealed subsec. (c), which had read as follows:

"(c) All monies deposited in the Fund shall be appropriated without fiscal year limitation pursuant to an act of Congress. Excluding monies collected in the current year, any money deposited in the Fund in the year prior to the current year and the interest earned on that money remaining in the Fund after the payment of the costs accrued in the prior year, less 10% of the remainder amount that shall be retained as a reserve operating balance, shall be transferred or revert to the General Fund of the District of Columbia."

Emergency Act Amendments

For temporary (90 day) addition, see § 703 of Fiscal Year 2004 Budget Support Emergency Act of 2003 (D.C. Act 15-105, June 20, 2003, 50 DCR 5613).

For temporary (90 day) addition, see § 703 of Fiscal Year 2004 Budget Support Congressional Review Emergency Act of 2003 (D.C. Act 15-149, September 22, 2003, 50 DCR 8360).

Legislative History of Laws

For Law 15-39, see notes following § 5-101.04.

For history of Law 19-21, see notes under § 5-405.

PART B. EDUCATION AND TRAINING PROGRAM.

§ 5-441. FIRE AND EMERGENCY MEDICAL SERVICES EDUCATION AND TRAINING PROGRAM; CERTIFICATION OF FIREFIGHTERS, PARAMEDICS, AND EMERGENCY MEDICAL TECHNICIANS.

(a) The Chief of the Fire and Emergency Medical Services Department shall design an education and training program that encompasses entry-level and in-service training and addresses issues such as skills with specialized equipment acquired to address special hazards, knowledge of new construction techniques, and emergency medicine skills for target audiences, such as persons with disabilities, the elderly, and very young. The education and training program shall be based upon the department's mission and operational performance measures.

(b) The Fire Chief, in close coordination with the Medical Director, shall develop and implement a program of certification for firefighters, paramedics, and emergency medical technicians.

(c) For fiscal years 2011, 2012, and 2013, no officer or member of the Fire and Emergency Medical Services Department shall be detailed to Emergency Medical Technician classes for more than 60 days.

(Sept. 30, 2004, D.C. Law 15-194, § 202, 51 DCR 9406; Apr. 24, 2007, D.C. Law 16-305, § 17, 53 DCR 6198; Apr. 15, 2008, D.C. Law 17-147, § 5, 55 DCR 2558; Sept. 24, 2010, D.C. Law 18-223, § 3024, 57 DCR 6242; Sept. 14, 2011, D.C. Law 19-21, § 3014, 58 DCR 6226; Sept. 20, 2012, D.C. Law 19-168, § 3024, 59 DCR 8025.)

HISTORICAL AND STATUTORY NOTES

Effect of Amendments

D.C. Law 16-305, in subsec. (a), substituted "persons with disabilities, the" for "the disabled".

D.C. Law 17-147 inserted ", in close coordination with the Medical Director," following "Fire Chief".

D.C. Law 18-223 added subsec. (c).

D.C. Law 19-21, in subsec. (c), substituted "fiscal years 2011 and 2012" for "fiscal year 2011".

D.C. Law 19-168, in subsec. (c), substituted "2011, 2012, and 2013" for "2011 and 2012".

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 3024 of Fiscal Year 2011 Budget Support Emergency Act of 2010 (D.C. Act 18-463, July 2, 2010, 57 DCR 6542).

Legislative History of Laws

For Law 15-194, see notes following § 5-105.01.

For Law 16-305, see notes following § 5-119.10.

For Law 17-147, see notes following § 5-401.

For Law 18-223, see notes following § 5-405.

For Law 19-21, see notes following § 5-405.

For history of Law 19-168, see notes under § 5-119.10.

SUBCHAPTER III. FIRE AND EMERGENCY MEDICAL SERVICES AGILITY TESTING.

§ 5-451. PHYSICAL EXAMINATIONS AND AGILITY STANDARDS.

(a) All sworn members of the Fire and Emergency Medical Services Department shall be required to pass, at least biennially, a physical examination and a physical agility test. The physical examination shall be performed by a physician at the Police and Fire Clinic using current medical standards adopted after consultation with medical professionals within 180 days of September 30, 2004. The physical agility testing shall be based on full-duty physical performance standards adopted within 180 days of September 30, 2004.

(b) The Mayor, pursuant to subchapter I of Chapter 5 of Title 2, shall issue rules to implement the provisions of this section within 180 days of September 30, 2004.

(Sept. 30, 2004, D.C. Law 15-194, § 721, 51 DCR 9406.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 15-194, see notes following § 5-105.01.