

ENROLLMENT(S)



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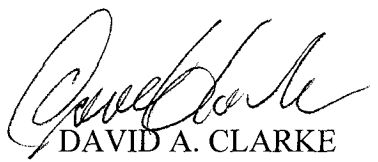
COUNCIL OF THE DISTRICT OF COLUMBIA

D.C. LAW 11-78

"Budget Support Temporary Act of 1995".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198 "the Act", the Council of the District of Columbia adopted Bill No. 11-421 on first and second readings, July 29, 1995 and October 10, 1995 respectively. Following the signature of the Mayor on October 31, 1995, pursuant to Section 404(e) of "the Act", and was assigned Act No. 11-150 and published in the November 10, 1995, edition of the D.C. Register (Vol. 42 page 6181) and transmitted to Congress on November 22, 1995 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 11-78, effective January 26, 1996.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

Nov. 27,28,29,30

Dec. 1,4,5,6,7,8,11,12,13,14,15,18,19,20,21,22,27

Jan. 3,4,5,8,9,22,23,24,25

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AN ACT
D.C. ACT 11-150

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCTOBER 31, 1995

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for an early-out retirement incentive, and an easy-out retirement incentive; to provide for a voluntary severance incentive program for certain District government employees; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the reduction-in-force procedures to allow only 1 round of lateral bumping within a competitive level, to authorize personnel authorities to create smaller competitive areas within an agency, to set a deadline of February 1, 1996, for personnel authorities to make final decisions on the identification of positions to be abolished through a reduction-in-force, to add 5 years to creditable service for District residency for purposes of a reduction-in-force, to require the Mayor to submit to the Council by March 1, 1996, a list of positions to be abolished through a reduction-in-force, and to modify the school reduction-in-force procedures to limit non school personnel from being assigned to the same competitive level as classroom teachers; to prohibit backfilling of positions left vacant as a result of the early-out-retirement, easy-out retirement, or the voluntary severance incentive programs, certain backfilling of positions under the personnel authority of the Mayor left vacant for reasons other than the exercise of the early-out retirement, easy-out retirement, or the voluntary severance incentive programs except in limited circumstances, and the backfilling of any vacant position until the Mayor has issued rules defining critical position; to abolish certain vacant positions; to amend the District of Columbia Procurement Practices Act of 1985 to provide that any contractor who receives a contract to provide services previously provided by District government employees shall offer a displaced District employee the right of first refusal for any available position for which the employee is qualified for a transition employment period of 6 months, to require that displaced employees receive notice at least 45 days prior to being affected by any contracting out, and to require that the Council approve any proposal in excess of \$1 million to contract-out services during a 12-month period; to amend the Nursing Home and Community Residence Facility Residents' Protection Act of 1985 to repeal the

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contracting out provisions; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to specify the range of outplacement services for employees separated in Fiscal Year 1996, to offer certain benefits to employees displaced in Fiscal Year 1996, to offer a small business and university vouchers to employees separated in Fiscal Year 1996 in lieu of any entitlement to severance under title XI, and to create an Advisory Commission on Outplacement to monitor the outplacement efforts for employees separated in Fiscal Year 1996; to establish an Initiative Implementation Monitoring Committee to monitor the progress of the implementation of budget initiatives and to issue periodic reports to the Council; to amend the General Obligations Bond Act of 1994, D.C. Law 10-116, to authorize a negotiated sale of certain general obligations bonds issued by the District; to require the Mayor to submit to the Council a revised cash flow statement reflecting the differences in the statement included in the Fiscal Year 1996 Revised Budget Request Act within 7 days of the Council's passage of the Fiscal Year 1996 Revised Budget Request Act; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the temporary assignment of employees between the District government and private sector organizations; to amend the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994 to authorize the Board of Education to charge fees for various courses and services; to require the Board of Education to contract out all food services operations and security services for the D.C. Public Schools for fiscal year 1996, to contract out for no more than a 3-year period, beginning in School Year 1995-96 and Fiscal Year 1996, the development of new management and data systems, in the areas of budget, finance, personnel/human resources, management information services, and procurement, and to require that activity duty officers and noncommissioned officers of the United States Armed Forces be detailed as administrators and instructors in the Junior Reserve Officers' Training Corps Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Budget Support Temporary Act of 1995".

TITLE I - EARLY OUT RETIREMENT

Sec. 101. Early out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.6), the Council of the District of Columbia adopts changes to the Career and Excepted Service compensation system under section 1104 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.4), that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

Note,
Sections
1-612.4
1-612.6
1-627.14

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(1) The Mayor is authorized to establish an early out retirement incentive program ("Early Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Early Out Program.

(2) The Early Out Program shall be effective from October 1, 1995, through March 31, 1996.

(3) The Early Out Program shall be limited to employees retiring under the voluntary early out retirement provisions of 5 U.S.C. 8336(d)(2).

(4) The Early Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 1, 1995, not to exceed \$24,000, to be paid within 1 year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payments shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. 8336(d)(1), or the disability retirement provisions of 5 U.S.C. 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. 8344;

(C) An employee who is in a critical position;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Early Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

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TITLE II - EASY OUT RETIREMENT INCENTIVE

Sec. 201. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.6), the Council of the District of Columbia adopts changes to the Career and Excepted Service compensation system under section 1104 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.4), that authorize the Mayor to establish a retirement incentive program for certain District government employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Easy Out Program.

(2) The Easy Out Program shall be effective from October 1, 1995, through March 31, 1996.

(3) The Easy Out Program shall be limited to employees retiring under the optional retirement provisions of 5 U.S.C. 8336(a), (b), or (f).

(4) The Easy Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 1, 1995, not to exceed \$24,000, to be paid within 1 year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payments shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. 8336(d)(1), or the disability retirement provisions of 5 U.S.C. 8337, or subsections (e), (f), or (g) of the Policemen and Firemen's Retirement and Disability Act, approved August 21, 1957 (71 Stat. 395; D.C. Code §§ 4-614, 4-615, or 4-616);

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. 8344;

(C) An employee who is in a critical position;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty

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to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(F) An employee who, based on conduct related to the employee's employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

TITLE III - VOLUNTARY SEVERANCE

Sec. 301. Voluntary severance.

Note, Section
1-625.4

(a) The Mayor shall make a voluntary severance incentive program ("Severance Program") available to all employees of the District of Columbia and its independent agencies. The Severance Program shall be based on the following:

(1) The Severance Program shall extend to any full-time employee covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), who has been continuously employed with the District of Columbia government without a break in service since July 27, 1993, and whose personnel authority has approved the employee's participation in the severance program.

(2) No incentive payment shall be paid to:

(A) An employee who is in a critical position;

(B) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(C) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(D) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(3) For the purposes of paragraph (2)(C) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(4) The severance incentive will be a lump-sum payment, and will be paid on or before March 31, 1996, according to the following schedule:

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<u>Length of Service</u>	<u>Benefit</u>
2 years up to 5 years	Greater of \$5000 or 5 weeks pay
5 years up to 7 years	Greater of \$7000 or 6 weeks pay
7 years up to 10 years	Greater of \$8,500 or 8 weeks pay
Over 10 years	\$10,000

(5) In no case will the voluntary severance incentive payment exceed \$10,000.

(6) An employee's length of service is to be determined by reviewing the employee's work history in the Official Personnel Folder and using the Service Computation Date shown on the employee's most recent Personnel Action Form 1.

(b) Any employee availing himself or herself to the voluntary severance program pursuant to subsection (a) of this section, beginning October 1, 1995, and extending through March 31, 1996, shall not be reemployed by the District until the passage of 5 years.

TITLE IV - MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

Sec. 401. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 2401 (D.C. Code § 1-625.1) is amended by amending the third sentence to read as follows:

Note, Section
1-625.1

"A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency."

(b) A new section 2406 is added to read as follows:

"Sec. 2406. Abolishment of positions for Fiscal Year 1996.

Note, Section
1-625.4

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which

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shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have 5 years added to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

"(1) An employee may file a complaint contesting a determination or a separation pursuant to title XV of this act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2543); and

"(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

"(1) Four years for an employee who qualifies for veteran's preference under this act, and

"(2) Three years for an employee who qualifies for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District of Columbia Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section."

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TITLE V - MODIFICATION OF SCHOOL RIF PROCEDURES

Sec. 501. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Code § 1.603.1) is amended as follows:

Note, Section
1-603.1

(1) A new paragraph (13A) is added to read as follows:

"(13A) "Nonschool-based personnel" means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students."

(2) A new paragraph (15A) is added to read as follows:

"(15A) "School administrators" means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools."

(b) Section 801A(b)(2) (D.C. Code § 1-609.1(b)(2)) is amended as follows:

Note, Section
1-609.1

(1) By striking the semicolon at the end of subparagraph (L); and

(2) By adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code § 1-625.2) is amended by adding a new subsection

Note, Section
1-625.2

(f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

Sec. 502. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be:

Note, Section
1-609.1

(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 non-school based personnel who shall not compete with school-based personnel for retention purposes.

TITLE VI - PROHIBITION ON BACKFILLING OF POSITIONS

Sec. 601. Prohibition on backfilling of certain vacant positions.

Note, Section
1-625.4
1-627.14

Any position left vacant as a result of the exercise of an early-out retirement, easy-out retirement, or the voluntary severance incentive program, established in sections 101, 201, or 301, respectively, shall not be backfilled by the Mayor or the personnel officer of an independent agency or instrumentality of the District.

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Sec. 602. General provisions on backfilling positions under the Mayor's personnel authority.

(a) Any position left vacant for reasons other than the exercise of an early-out retirement, easy-out retirement, or the voluntary severance incentive program, established in Titles I, II, or III, respectively, that falls under the personnel authority of the Mayor shall not be filled unless it meets the requirements as follows:

(1) A certification is submitted to the City Administrator that the position is a critical position to the workforce of the agency or office;

(2) The City Administrator makes a determination that the vacant position meets the criteria of a critical position; and

(3) The City Administrator makes a certification as to whether there is an employee in the District government qualified to fill the vacant position.

(b) If the vacant position that falls within subsection (a) of this section is determined to be a critical position, it must be backfilled from within the District government if an employee of the District is qualified to fill the vacancy.

(c) If the City Administrator certifies that no employee within the District government is qualified to fill the vacant position that falls within subsection (a) of this section, the position may be filled from outside the District government.

Sec. 603. Rulemaking.

(a) The Mayor shall issue rules defining what constitutes a critical position. The definition shall include as part of the criteria whether the position is the only position of its kind in the agency, office, or department, whether the position involves the sole supervisor of an agency, office, or department, and whether the nonperformance of the duties of the position would adversely affect the fulfillment of the objectives of the agency, office, or department. The Mayor shall issue the rules within 60 days of the effective date of this act.

(b) The Mayor and independent agencies are prohibited from backfilling any vacant position until regulations to define the term "critical position" have been published in the District of Columbia Register.

Sec. 604. Abolishment of vacant positions.

Any position left vacant as a result of a reduction-in-force, established in section 401, and any position left vacant as a result of the early out or easy out retirement incentive or voluntary severance incentive established in sections 101, 201, and 301 shall be abolished.

TITLE VII - CONTRACTING OUT

Sec. 701. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), is amended as follows:

(a) Section 105b(a) (D.C. Code § 1-1181.5b(a)) is amended to read as follows:

Note, Section
1-1181.5b

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"(a) Any contract, including a lease or other agreement, or any contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District government shall provide that:

"(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

"(2) Contracting out will provide savings over the duration of the contract of at least 5%;

"(3) Any contractor who is awarded a contract that displaces District government employees shall offer to any displaced employee a right-of-first-refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6- month period during which the employee shall not be discharged without cause;

"(4) If the employee's performance during the 6-month transition employment period required by paragraph (3) of this subsection is satisfactory, the new contractor shall offer the employee continued employment under terms and conditions established by the new contractor;

"(5) Any solicitation for proposed contracts issued pursuant to this section shall include information concerning the procedure by which current District government employees may exercise the right to bid on the contracts;

"(6) An assessment of the economic impact on the District shall be completed for each contract proposed pursuant to this section;

"(7) Prior notification shall be provided to affected District government employees 45 days prior to any adverse impact on the employees; and

"(8) For those contracts which provide services essential to the health or safety of District residents, a determination and findings that the contracting out will not adversely affect the recipients."

(b) New sections 105c and 105d are added to read as follows:

"Sec. 105c. Policy for contracting out government services.

"(a) In contracting out (including a lease or other agreement or any contracting policies or procedures relating to such contracts) to provide goods or services to or on behalf of the District government that currently are provided by employees, departments, or agencies of the District government, the Mayor shall make a determination and findings in writing submitted to the Council that the contract will meet the following criteria:

"(1) Results in increased economic development for the District in terms of entrepreneurial opportunities for District businesses or employment opportunities for District businesses or employment opportunities for District residents;

"(2) Results in the strengthening of 1 or more existing District businesses, creation of 1 or more new businesses in the District, or relocation of 1 or more businesses from outside to inside the District;

Note, Section
1-1181.5b

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"(3) Meets specific performance criteria for the service to be contracted-out including costs and savings resulting from the contract;

"(4) Includes a requirement for the submission to the District contracting officer of monthly reports on the contractor's compliance with the performance criteria; and

"(5) Includes a provision that the contract can be cancelled for failure to comply with the performance criteria.

"(b) When contracting out occurs, the Mayor shall make efforts to assist affected District employees and to promote employment opportunities for District residents based on the action to contract-out. The findings shall include efforts made by the Mayor to:

"(1) Consult with union representatives and all employees concerning affected District government employees;

"(2) Provide alternative employment in the District government to affected District employees who are qualified; and

"(3) Encourage the contractor performing the service that is contracted-out to make bona fide offers of employment to all other qualified District residents before extending offers to qualified nonresidents.

"Sec. 105d. Council review of proposals to contract-out in excess of \$1,000,000.

"Pursuant to section 451(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130(b)), as added by section 304 of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 97; D.C. Code § 1-1130(b)), the Mayor and all independent agencies and entities of the District government shall submit to the Council for approval any proposal to contract-out services covered by this act that involves expenditures in excess of \$1,000,000 during a 12-month period."

(c) A new section 1102a is added to read as follows:

"Sec. 1102a. Standards for contracting officer.

"(a) Any contracting manager or contracting officer who performs the cost/benefit analysis required by section 105b(a)(1) shall meet certain training standards and be certified to ensure a level of management skills and experience in doing cost/benefit analyses.

"(b) Within 60 days of the effective date of the Budget Support Emergency Act of 1995, the Mayor shall issue, as a part of the District Government Procurement Regulations, rules for all District government employees who participate in the preparation of any cost/benefit analysis for any proposal to contract-out services previously provided by District employees. The rules shall include the provisions contained in subsection (a) of this section."

Note, Section
1-1191.2

Sec. 702. Section 501a of the Nursing Home and Community Residence Facility Residents' Protection Act of 1985, effective March 19, 1994 (D.C. Law 10-79; D.C. Code § 32-1462), is repealed.

Note, Section
32-1462

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TITLE VIII - TRANSITION BENEFITS FOR DISPLACED EMPLOYEES

Sec. 801. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) A new title XXIV-A is added to read as follows:

"TITLE XXIV-A - TRANSITION BENEFITS FOR DISPLACED EMPLOYEES

"Sec. 2421. Outplacement services for displaced employees in Fiscal Year 1996.

"The outplacement services provided by the Mayor to employees displaced during Fiscal Year 1996 shall include provisions for the following:

"(1) Counseling services for stress and finance management;

"(2) Access to automated job information services;

"(3) Job fairs;

"(4) Coordination of training and job banks with the D.C. Chamber of Commerce, Business Coalition, and labor organizations;

"(5) Consulting with regional governments concerning job vacancies and job banks;

"(6) Workshops on writing resumes; and

"(7) Access to facsimile and copying machines, computers, typewriters, and telephones where local calls can be made to prospective employers.

"Sec. 2422. Transition benefits for displaced employees in Fiscal Year 1996.

"(a) This section shall apply only to employees displaced as a result of a reduction-in-force in Fiscal Year 1996.

"(b) Any employee who is displaced as a result of the reduction-in-force procedure in Fiscal Year 1996 shall be entitled to the following:

"(1) Continuation of health insurance benefits and premium contribution at the same rate as the employee had subsidized by the District while an active employee through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

"(2) Continuation of life insurance benefits and premium contribution at the same rate as the employee had subsidized by the District while an active employee through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

"(3) Reimbursement of up to \$500 of the relocation costs actually incurred to move to the site of new employment provided that the new employer is located more than 50 miles outside of Washington, D.C., and the relocation occurs within Fiscal Year 1996;

"(4) Reimbursement of travel costs incurred by the displaced employee in seeking new employment within 50 miles of the Washington Metropolitan Area through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

Note, Section
1-625.4

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"(5) Child care vouchers in the amount of \$75 per week payable to a licensed day care provider for each week the displaced employee is certified to be unemployed for the 6-month period following separation or through the end of the first week when the displaced employee is no longer unemployed, whichever occurs first; and

"(6) Tuition assistance to attend the University of the District of Columbia ("UDC") or any vocational training or GED program not to exceed one-half the yearly cost for any full-time District resident student at UDC.

"(c) The benefits contained in subsection (b) of this section are subject to the following limitations:

"(1) The displaced employee must be a bona fide District resident at the time of separation, and must have filed a District of Columbia income tax return in the 2 tax years prior to separation;

"(2) The continued coverage under subsection (b)(1) and (2) of this section for District employees enrolled in the Federal Employee Health Benefits Plan and Federal Employees Group Life Insurance Plan are subject to the federal regulations governing these benefits;

"(3) The employee must not have been the recipient of the early out or easy out retirement incentive or voluntary severance incentive programs in Fiscal Year 1996; and

"(4) The limit of the Fiscal Year 1996 appropriations for this program.

"Sec. 2423. Small business and university option.

"(a) There shall be established a small business and university option for employees displaced in Fiscal Year 1996 pursuant to a reduction-in-force.

"(b) The Mayor shall make the small business and university option available to all employees of each agency, office, and instrumentality of the District displaced as the result of a reduction-in-force in Fiscal Year 1996. The program shall be based on the following:

"(1) The small business and university option created by this act shall extend to any full-time employee covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), who had been continuously employed with the District government without a break in service for a period of 2 years prior to July 28, 1993, and who is displaced in Fiscal Year 1996 as the result of a reduction-in-force.

"(2) The small business and university option will be either an education voucher or an employer tax credit for payment, to either an educational system or a District-based employer, according to the following schedule:

Length of Service	Benefit
<u>2 years up to 10 years</u>	<u>\$3,000</u>
<u>10 years or more</u>	<u>\$5,000</u>

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"(c) The small business and university option is subject to the following limitations:

"(1) The employee must be a District resident, and must have filed a District of Columbia income tax return in the 2 tax years prior to separation;

"(2) The employee must have been displaced as the result of a reduction-in-force in Fiscal Year 1996;

"(3) The employee must elect this option in lieu of any entitlement to severance under title XI;

"(4) The new employer must employ 100 or less employees or be a university located within the District of Columbia; and

"(5) The new employer must agree in writing to retain the District government employee as its employee for at least 3 years barring misconduct or incompetence.

"(d) The small business and university vouchers shall be valid for use and redemption for 1 year from the date of separation, and in no case will the vouchers be usable or redeemable after September 30, 1996.

"Sec. 2424. Establishment of the Advisory Commission on Outplacement; duties.

"(a) There is established an Advisory Commission on Outplacement ("Commission").

"(b) The Commission shall advise the Mayor and the Council on the effectiveness of the outplacement services for employees displaced during Fiscal Year 1996.

"Sec. 2425. Qualifications; terms of office.

"(a) The Commission shall consist of 5 members as follows:

"(1) Three persons appointed by the Mayor, 1 of whom is a representative of the District business community, and 1 of whom is a representative of the organized labor community;

"(2) The Director of the Department of Employment Services or his or her designee; and

"(3) One person appointed by the Council.

"(b) Members of the Commission shall be residents of the District.

"(c) The Commission shall select a chair from among its members.

"(d) A vacancy on the Commission shall be filled in the same manner that the original appointment was made.

"(e) Three members of the Commission shall constitute a quorum.

"(f) The Commission shall meet quarterly to monitor the effectiveness of the outplacement services for employees displaced during Fiscal Year 1996.

"Sec. 2426. Compensation.

"Members of the Commission shall receive no compensation, but may be reimbursed for actual expenses incurred in the performance of official duties, pursuant to rules issued by the Mayor in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.8).

"Sec. 2427. Reports.

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"The Commission shall submit quarterly reports on the effectiveness of outplacement services and benefits beginning with the second quarter in which the Commission has a majority of its members.

" Sec. 2428. Sunset.

"Sections 2424, 2425, 2426, and 2427 shall expire on January 1, 1997."

TITLE IX - MONITORING COMMITTEE

Sec. 901. Establishment of the Initiative Implementation Monitoring Committee; duties.

Note, Section
47-318.5

(a) There is established an Initiative Implementation Monitoring Committee ("Committee").

(b) The Committee shall advise the Mayor and the Council on the status of the implementation of the initiatives contained in the District's Revised Fiscal Year 1996 Budget Request Act and the July 1995 recommendations of the Financial Responsibility and Management Assistance Authority.

(c) The Committee is authorized to meet weekly to review weekly reports on the implementation of budget initiatives from subordinate agency heads and the budget officers of independent agencies to facilitate the monitoring of spending initiatives.

Sec. 902. Composition.

(a) The Committee shall consist of 9 members as follows:

(1) City Administrator or his or her designee, provided that the designee shall have the full authority of the City Administrator;

(2) Budget director for the Council;

(3) Inspector General ("IG") or his or her designee, provided that the designee shall have the full authority of the IG;

(4) Chief Financial Officer ("CFO") or his or her designee, provided that the designee shall have the full authority of the CFO;

(5) Director of the Office of Personnel ("Director") or his or her designee, provided that the designee shall have the full authority of the Director;

(6) Auditor or his or her designee, provided that the designee shall have the full authority of the Auditor;

(7) Chief Information Officer;

(8) One person designated by the Chairman of the Council Committee of the Whole; and

(9) One person designated by the Chairman of the Council Government Operations Committee.

(b) The City Administrator shall serve as the chair of the Committee.

(c) Four members of the Committee shall constitute a quorum.

Sec. 903. Compensation.

Members of the Committee shall receive no compensation.

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Sec. 904. Reports.

The Committee shall submit to the Council reports on the status of the Fiscal Year 1996 budget initiatives each month or as requested by the Council.

TITLE X - CREATION OF CHIEF INFORMATION OFFICER POSITION

Sec. 1001. Creation of Chief Information Officer position; duties.

Note, Section
1-1181.8

(a) There is created within the Office of the City Administrator a Chief Information Officer.

(b) The Chief Information Officer shall provide directions and coordination for the District acquisition, management, and use of information and telecommunication technology, including the D.C. Wide Area Network; provide for uniformity and consistency in policies and standards for the acquisition, management, and use of information processing and telecommunications equipment, including government-wide approval of contracts over \$100,000; and provide for requisite system planning, including developing or updating strategic planning documents for District government information resources systems and telecommunication systems. Such relevant functions and staff that may currently exist within the District government should be consolidated directly under the direction of the Chief Information Officer.

TITLE XI - DEBT RESTRUCTURING

Sec. 1101. The General Obligation Bond Act of 1994, effective May 3, 1994 (D.C. Law 10-116; 41 DCR 1224), is amended as follows:

(1) Section 7(a) is amended to read as follows:

"Sec. 7. Sale of the Bonds.

"(a) The Bonds of any series may be sold by the Mayor pursuant to the provisions of section 466 of the Home Rule Act, provided that the Bonds of any series, with the exception of bonds issued to refund outstanding indebtedness of the District, shall be sold by competitive bid. The Bonds of any series issued to refund outstanding indebtedness of the District shall be sold by competitive bid or by negotiated sale. Competitive bid is the preferred method of sale for the Bonds. If the Mayor determines, in writing, that competitive bid is not feasible or is not in the best interest of the District, Bonds issued to refund outstanding indebtedness of the District shall be sold by negotiated sale and the Mayor shall transmit a copy of this written determination to the Secretary to the Council within 3 days of the date of the written determination."

(2) Section 21(c)(1) is amended to read as follows:

"(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of Bonds pursuant to this act shall include a statement as to:

"(A) Whether the Bonds of any series are intended to be sold by competitive bid or by negotiated sale and, if the Bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interest of the District and a statement of the reasons supporting this determination; and

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"(B) Whether the Bonds of any series are intended to be issued on a tax-exempt or taxable basis."

TITLE XII - REVISED CASH FLOW STATEMENT

Sec. 1201. Within 7 days of the Council's passage of the District's Revised Fiscal Year 1996 Revised Budget Request Act and this act, the Mayor shall submit a revised cash flow statement to the Council reflecting the differences in the statement included in the Revised Fiscal Year 1996 Budget Request Act.

TITLE XIII - TEMPORARY ASSIGNMENT OF DISTRICT EMPLOYEES AND PRIVATE SECTOR EMPLOYEES.

Sec. 1301. Title 27 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §§ 1-628.1 to 1-628.5), is amended as follows:

(a) Section 2701 (D.C. Code § 1-628.1) is amended to read as follows:

Note, Section
1-628.1

"Sec. 2701. Policy.

"(a) The District government recognizes that intergovernmental and private sector cooperation are essential factors in resolving problems affecting the District and that the temporary assignment of personnel between and among governmental agencies, at the same or different levels of government, private sector organizations, and institutions of higher education is a significant factor in achieving such cooperation.

"(b) Any agency is authorized to participate in a program of personnel interchange with private sector organizations, institutions of higher education, or agencies of the federal, state and local governments; provided, however, that the period of original assignment cannot exceed 2 years, but with the concurrence of the agencies or organizations and the employee involved, the assignment period may be extended in increments of 1 year."

(b) Section 2702 (D.C. Code § 1-628.2) is amended as follows:

Note, Section
1-628.2

(1) The phrase "or organization" is added after the phrase "receiving agency" wherever it appears in the section.

(2) Subsection (c) is amended by adding the phrase "or organizations" after the word "agencies".

(c) Section 2703 (D.C. Code § 1-628.3) is amended to read as follows:

Note, Section
1-628.3

"Sec. 2703. Status of employees of other governments or organizations.

"(a) When any agency of the District acts as a receiving agency, employees of the sending agency or organization who are assigned under authority of this title may:

"(1) Be given appointments in the receiving agency covering the periods of such assignments with compensation to be paid from the receiving agency funds or without compensation; or

"(2) Be considered to be on detail to the receiving agency.

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"(b) The appointment of an employee of another government or organization, assigned to a District agency, may be made without regard to the laws or rules and regulations governing the selection of employees in the Career and Educational Services.

"(c) An employee of another government or organization who is detailed to a District agency may not by virtue of the detail be considered to be an employee of the District, except as provided in this section, nor may he or she be directly paid a salary or wage by the District agency. The assignment agreement may, however, authorize the District agency to reimburse the sending agency or organization for all or any part of the employee's salary and fringe benefits. The agreement between the sending agency or organization and the receiving agency may govern the supervision of the duties of such employees during the period of detail.

"(d) The District government shall treat any employee of a sending agency or organization assigned to the District who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties, as a District employee for the purpose of the District's employee disability compensation program. An employee of a sending agency or organization is not entitled to benefits under that program for any period for which he or she elects similar benefits under the employee compensation program of his or her permanent employer."

(d) Section 2704 (D.C. Code § 1-628.4) is amended as follows:

Note, Section
1-628.4

(1) Subsection (a) is amended by adding the phrase ", private sector organization," after the phrase "another government".

(2) Subsection (c) is amended by adding the phrase ", private sector organization," after the word "governments".

(e) Section 2705(a)(1) and (2) (D.C. Code § 1-628.5(a)(1) and (2)) is amended by adding the phrase "or organizations" after the word "agencies".

Note, Section
1-628.5

TITLE XIV - PUBLIC EDUCATION

Sec. 1401. Section 3(a) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994, effective March 16, 1995 (D.C. Law 10-220; D.C. Code § 31-132), is amended to read as follows:

Note, Section
31-132

"(a) The District of Columbia Board of Education ("Board of Education") is authorized to charge fees for all adult, community, and continuing education courses, and for employee certification and recertification and certification of university teacher education programs, provided that no additional fees shall be charged for ongoing courses in Academic Year 1994-1995 and Fiscal Year 1995 until those courses are completed."

Sec. 1402. Section 2(b) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Temporary Amendment Act of 1994, effective June 16, 1995 (D.C. Act 11-91; 42 DCR 3237), is amended to read as follows:

Note, Section
31-132

"(b) The District of Columbia Board of Education is authorized to charge fees for all adult, community, and continuing education courses, and for employee certification and

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recertification and certification of university teacher education programs, provided that no additional fees shall be charged for ongoing courses in Academic Year 1994-1995 and Fiscal Year 1995 until those courses are completed."

Sec. 1403. Section 2(b) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Emergency Amendment Act of 1994, effective June 16, 1995 (D.C. Act 11-62; 42 DCR 3237), is repealed.

Note, Section 31-132

Sec. 1404. (a) Notwithstanding any other law, rule, or regulation, the District of Columbia Board of Education shall contract out, beginning in School Year 1995-96 and Fiscal Year 1996, all food services operations and security services for the D.C. Public Schools unless the Superintendent determines that it is not feasible.

(b) Notwithstanding any other law, rule, or regulation, the District of Columbia Board of Education shall contract out for no more than a 3-year period, beginning in School Year 1995-96, the development of new management and data systems, as well as the training of currently employed personnel to use and manage these systems, in the areas of budget, finance, personnel/human resources, management information services, procurement, and supply management.

Sec. 1405. Pursuant to section 101(1)(c) and (d) of the Reserve Officers' Training Corps Vitalization Act of 1964, approved October 13, 1964 (78 Stat. 1063; 10 U.S.C. 2031(c) and (d)), the Board of Education, beginning in the 1995-96 School Year, shall request and ensure that active duty officers and noncommissioned officers of the U.S. Armed Forces be detailed as administrators and instructors to the District of Columbia Public Schools' Junior Reserve Officers' Training Corps program.

TITLE XV - APPLICABILITY

Sec. 1501. Sections 401, 501, 502, 1404 shall apply upon enactment by Congress of the District of Columbia Appropriations Act, 1996.

Note, Sections 1-603.1 1-609.1 1-625.1 1-625.2 1-625.4

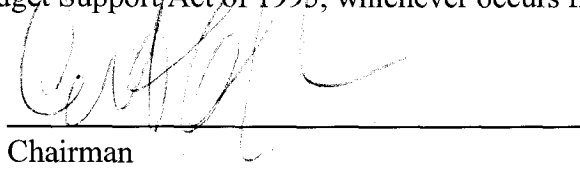
TITLE XVI - EFFECTIVE DATE

Sec. 1601. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, override of the veto by the Council) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-

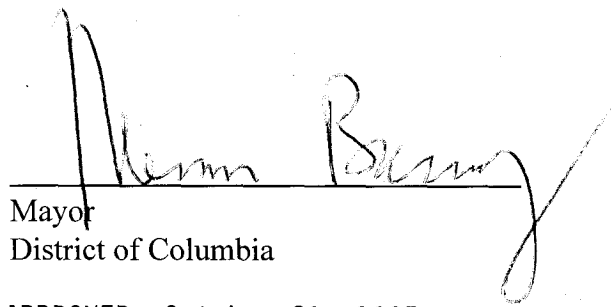
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233(c)(1), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal regulations.

(b) This act shall expire after the 225th day of its having taken effect or on the effective date of the Budget Support Act of 1995, whichever occurs first.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: October 31, 1995



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

Docket No.

B11-421

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FIRST READING, 07-29-95

[X] VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

ALL PRESENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Geoffrey Lewis
Secretary to the Council

October 13, 1995
Date

[] ITEM ON CONSENT CALENDAR

[X] ACTION & DATE

ADOPTED FINAL READING, 10-10-95

[X] VOICE VOTE RECORDED VOTE ON REQUEST

APPROVED

ABSENT

BRAZIL, CROPP AND RAY

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

Geoffrey Lewis
Secretary to the Council

October 13, 1995
Date

[] ITEM ON CONSENT CALENDAR

[] ACTION & DATE

[] VOICE VOTE RECORDED VOTE ON REQUEST

ABSENT

[] ROLL CALL VOTE - Result

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date

ENROLLED ORIGINAL

AN ACT

*Codification
District of
Columbia
Code
1996 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for an early-out retirement incentive, and an easy-out retirement incentive; to provide for a voluntary severance incentive program for certain District government employees; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to modify the reduction-in-force procedures to allow only 1 round of lateral bumping within a competitive level, to authorize personnel authorities to create smaller competitive areas within an agency, to set a deadline of February 1, 1996, for personnel authorities to make final decisions on the identification of positions to be abolished through a reduction-in-force, to add 5 years to creditable service for District residency for purposes of a reduction-in-force, to require the Mayor to submit to the Council by March 1, 1996, a list of positions to be abolished through a reduction-in-force, and to modify the school reduction-in-force procedures to limit non school personnel from being assigned to the same competitive level as classroom teachers; to prohibit backfilling of positions left vacant as a result of the early-out-retirement, easy-out retirement, or the voluntary severance incentive programs, certain backfilling of positions under the personnel authority of the Mayor left vacant for reasons other than the exercise of the early-out retirement, easy-out retirement, or the voluntary severance incentive programs except in limited circumstances, and the backfilling of any vacant position until the Mayor has issued rules defining critical position; to abolish certain vacant positions; to amend the District of Columbia Procurement Practices Act of 1985 to provide that any contractor who receives a contract to provide services previously provided by District government employees shall offer a displaced District employee the right of first refusal for any available position for which the employee is qualified for a transition employment period of 6 months, to require that displaced employees receive notice at least 45 days prior to being affected by any contracting out, and to require that the Council approve any proposal in excess of \$1 million to contract-out services during a 12-month period; to amend the Nursing Home and Community Residence Facility Residents' Protection Act of 1985 to repeal the

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contracting out provisions; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to specify the range of outplacement services for employees separated in Fiscal Year 1996, to offer certain benefits to employees displaced in Fiscal Year 1996, to offer a small business and university vouchers to employees separated in Fiscal Year 1996 in lieu of any entitlement to severance under title XI, and to create an Advisory Commission on Outplacement to monitor the outplacement efforts for employees separated in Fiscal Year 1996; to establish an Initiative Implementation Monitoring Committee to monitor the progress of the implementation of budget initiatives and to issue periodic reports to the Council; to amend the General Obligations Bond Act of 1994, D.C. Law 10-116, to authorize a negotiated sale of certain general obligations bonds issued by the District; to require the Mayor to submit to the Council a revised cash flow statement reflecting the differences in the statement included in the Fiscal Year 1996 Revised Budget Request Act within 7 days of the Council's passage of the Fiscal Year 1996 Revised Budget Request Act; to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the temporary assignment of employees between the District government and private sector organizations; to amend the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994 to authorize the Board of Education to charge fees for various courses and services; to require the Board of Education to contract out all food services operations and security services for the D.C. Public Schools for fiscal year 1996, to contract out for no more than a 3-year period, beginning in School Year 1995-96 and Fiscal Year 1996, the development of new management and data systems, in the areas of budget, finance, personnel/human resources, management information services, and procurement, and to require that activity duty officers and noncommissioned officers of the United States Armed Forces be detailed as administrators and instructors in the Junior Reserve Officers' Training Corps Program.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Budget Support Temporary Act of 1995".

TITLE I - EARLY OUT RETIREMENT

Sec. 101. Early out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.6), the Council of the District of Columbia adopts changes to the Career and Excepted Service compensation system under section 1104 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.4), that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

Note,
Sections
1-612.4
1-612.6
1-627.14

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(1) The Mayor is authorized to establish an early out retirement incentive program ("Early Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Early Out Program.

(2) The Early Out Program shall be effective from October 1, 1995, through March 31, 1996.

(3) The Early Out Program shall be limited to employees retiring under the voluntary early out retirement provisions of 5 U.S.C. 8336(d)(2).

(4) The Early Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 1, 1995, not to exceed \$24,000, to be paid within 1 year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payments shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. 8336(d)(1), or the disability retirement provisions of 5 U.S.C. 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. 8344;

(C) An employee who is in a critical position;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Early Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

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TITLE II - EASY OUT RETIREMENT INCENTIVE

Sec. 201. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.6), the Council of the District of Columbia adopts changes to the Career and Excepted Service compensation system under section 1104 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.4), that authorize the Mayor to establish a retirement incentive program for certain District government employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Easy Out Program.

(2) The Easy Out Program shall be effective from October 1, 1995, through March 31, 1996.

(3) The Easy Out Program shall be limited to employees retiring under the optional retirement provisions of 5 U.S.C. 8336(a), (b), or (f).

(4) The Easy Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on October 1, 1995, not to exceed \$24,000, to be paid within 1 year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payments shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. 8336(d)(1), or the disability retirement provisions of 5 U.S.C. 8337, or subsections (e), (f), or (g) of the Policemen and Firemen's Retirement and Disability Act, approved August 21, 1957 (71 Stat. 395; D.C. Code §§ 4-614, 4-615, or 4-616);

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. 8344;

(C) An employee who is in a critical position;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty

Note,
Sections
1-612.4
1-612.6
1-627.14

ENROLLED ORIGINAL

to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(F) An employee who, based on conduct related to the employee's employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

TITLE III - VOLUNTARY SEVERANCE

Sec. 301. Voluntary severance.

Note, Section
1-625.4

(a) The Mayor shall make a voluntary severance incentive program ("Severance Program") available to all employees of the District of Columbia and its independent agencies. The Severance Program shall be based on the following:

(1) The Severance Program shall extend to any full-time employee covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), who has been continuously employed with the District of Columbia government without a break in service since July 27, 1993, and whose personnel authority has approved the employee's participation in the severance program.

(2) No incentive payment shall be paid to:

(A) An employee who is in a critical position;

(B) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(C) An employee who, for charges related to his or her employment duties, is under indictment for a felony, who has been convicted of a felony, or who plead guilty to a felony or who has been convicted after a plea of *nolo contendere* to a felony; or

(D) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who plead guilty or who has been convicted after a plea of *nolo contendere* to a misdemeanor.

(3) For the purposes of paragraph (2)(C) of this subsection, the term "felony" means a crime for which the penalty is at least imprisonment for 1 year or a fine of at least \$1,000.

(4) The severance incentive will be a lump-sum payment, and will be paid on or before March 31, 1996, according to the following schedule:

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<u>Length of Service</u>	<u>Benefit</u>
2 years up to 5 years	Greater of \$5000 or 5 weeks pay
5 years up to 7 years	Greater of \$7000 or 6 weeks pay
7 years up to 10 years	Greater of \$8,500 or 8 weeks pay
Over 10 years	\$10,000

(5) In no case will the voluntary severance incentive payment exceed \$10,000.

(6) An employee's length of service is to be determined by reviewing the employee's work history in the Official Personnel Folder and using the Service Computation Date shown on the employee's most recent Personnel Action Form 1.

(b) Any employee availing himself or herself to the voluntary severance program pursuant to subsection (a) of this section, beginning October 1, 1995, and extending through March 31, 1996, shall not be reemployed by the District until the passage of 5 years.

TITLE IV - MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

Sec. 401. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 2401 (D.C. Code § 1-625.1) is amended by amending the third sentence to read as follows:

Note, Section 1-625.1

"A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency."

(b) A new section 2406 is added to read as follows:

Note, Section 1-625.4

"Sec. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to February 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which

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shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have 5 years added to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows:

"(1) An employee may file a complaint contesting a determination or a separation pursuant to title XV of this act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code § 1-2543); and

"(2) An employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section:

"(1) Four years for an employee who qualifies for veteran's preference under this act, and

"(2) Three years for an employee who qualifies for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District of Columbia Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section."

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TITLE V - MODIFICATION OF SCHOOL RIF PROCEDURES

Sec. 501. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Code § 1.603.1) is amended as follows:

Note, Section
1-603.1

(1) A new paragraph (13A) is added to read as follows:

"(13A) "Nonschool-based personnel" means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students."

(2) A new paragraph (15A) is added to read as follows:

"(15A) "School administrators" means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools."

(b) Section 801A(b)(2) (D.C. Code § 1-609.1(b)(2)) is amended as follows:

Note, Section
1-609.1

(1) By striking the semicolon at the end of subparagraph (L); and

(2) By adding a new subparagraph (L-i) to read as follows:

"(L-i) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"

(c) Section 2402 (D.C. Code § 1-625.2) is amended by adding a new subsection

Note, Section
1-625.2

(f) to read as follows:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers."

Sec. 502. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be:

Note, Section
1-609.1

(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 non-school based personnel who shall not compete with school-based personnel for retention purposes.

TITLE VI - PROHIBITION ON BACKFILLING OF POSITIONS

Sec. 601. Prohibition on backfilling of certain vacant positions.

Note, Section
1-625.4
1-627.14

Any position left vacant as a result of the exercise of an early-out retirement, easy-out retirement, or the voluntary severance incentive program, established in sections 101, 201, or 301, respectively, shall not be backfilled by the Mayor or the personnel officer of an independent agency or instrumentality of the District.

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Sec. 602. General provisions on backfilling positions under the Mayor's personnel authority.

(a) Any position left vacant for reasons other than the exercise of an early-out retirement, easy-out retirement, or the voluntary severance incentive program, established in Titles I, II, or III, respectively, that falls under the personnel authority of the Mayor shall not be filled unless it meets the requirements as follows:

(1) A certification is submitted to the City Administrator that the position is a critical position to the workforce of the agency or office;

(2) The City Administrator makes a determination that the vacant position meets the criteria of a critical position; and

(3) The City Administrator makes a certification as to whether there is an employee in the District government qualified to fill the vacant position.

(b) If the vacant position that falls within subsection (a) of this section is determined to be a critical position, it must be backfilled from within the District government if an employee of the District is qualified to fill the vacancy.

(c) If the City Administrator certifies that no employee within the District government is qualified to fill the vacant position that falls within subsection (a) of this section, the position may be filled from outside the District government.

Sec. 603. Rulemaking.

(a) The Mayor shall issue rules defining what constitutes a critical position. The definition shall include as part of the criteria whether the position is the only position of its kind in the agency, office, or department, whether the position involves the sole supervisor of an agency, office, or department, and whether the nonperformance of the duties of the position would adversely affect the fulfillment of the objectives of the agency, office, or department. The Mayor shall issue the rules within 60 days of the effective date of this act.

(b) The Mayor and independent agencies are prohibited from backfilling any vacant position until regulations to define the term "critical position" have been published in the District of Columbia Register.

Sec. 604. Abolishment of vacant positions.

Any position left vacant as a result of a reduction-in-force, established in section 401, and any position left vacant as a result of the early out or easy out retirement incentive or voluntary severance incentive established in sections 101, 201, and 301 shall be abolished.

TITLE VII - CONTRACTING OUT

Sec. 701. The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Code § 1-1181.1 *et seq.*), is amended as follows:

(a) Section 105b(a) (D.C. Code § 1-1181.5b(a)) is amended to read as follows:

Note, Section
1-1181.5b

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"(a) Any contract, including a lease or other agreement, or any contracting policies and procedures relating to such contracts, to provide goods and services to or on behalf of the District government shall provide that:

"(1) A cost analysis comparing the in-house costs of providing the service with the costs associated with contracting for the service shall be completed for each contract proposed pursuant to this section;

"(2) Contracting out will provide savings over the duration of the contract of at least 5%;

"(3) Any contractor who is awarded a contract that displaces District government employees shall offer to any displaced employee a right-of-first-refusal to employment by the contractor, in a comparable available position for which the employee is qualified, for at least a 6-month period during which the employee shall not be discharged without cause;

"(4) If the employee's performance during the 6-month transition employment period required by paragraph (3) of this subsection is satisfactory, the new contractor shall offer the employee continued employment under terms and conditions established by the new contractor;

"(5) Any solicitation for proposed contracts issued pursuant to this section shall include information concerning the procedure by which current District government employees may exercise the right to bid on the contracts;

"(6) An assessment of the economic impact on the District shall be completed for each contract proposed pursuant to this section;

"(7) Prior notification shall be provided to affected District government employees 45 days prior to any adverse impact on the employees; and

"(8) For those contracts which provide services essential to the health or safety of District residents, a determination and findings that the contracting out will not adversely affect the recipients."

(b) New sections 105c and 105d are added to read as follows:

"Sec. 105c. Policy for contracting out government services.

"(a) In contracting out (including a lease or other agreement or any contracting policies or procedures relating to such contracts) to provide goods or services to or on behalf of the District government that currently are provided by employees, departments, or agencies of the District government, the Mayor shall make a determination and findings in writing submitted to the Council that the contract will meet the following criteria:

"(1) Results in increased economic development for the District in terms of entrepreneurial opportunities for District businesses or employment opportunities for District businesses or employment opportunities for District residents;

"(2) Results in the strengthening of 1 or more existing District businesses, creation of 1 or more new businesses in the District, or relocation of 1 or more businesses from outside to inside the District;

Note, Section
1-1181.5b

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"(3) Meets specific performance criteria for the service to be contracted-out including costs and savings resulting from the contract;

"(4) Includes a requirement for the submission to the District contracting officer of monthly reports on the contractor's compliance with the performance criteria; and

"(5) Includes a provision that the contract can be cancelled for failure to comply with the performance criteria.

"(b) When contracting out occurs, the Mayor shall make efforts to assist affected District employees and to promote employment opportunities for District residents based on the action to contract-out. The findings shall include efforts made by the Mayor to:

"(1) Consult with union representatives and all employees concerning affected District government employees;

"(2) Provide alternative employment in the District government to affected District employees who are qualified; and

"(3) Encourage the contractor performing the service that is contracted-out to make bona fide offers of employment to all other qualified District residents before extending offers to qualified nonresidents.

"Sec. 105d. Council review of proposals to contract-out in excess of \$1,000,000.

"Pursuant to section 451(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 803; D.C. Code § 1-1130(b)), as added by section 304 of the District of Columbia Financial Responsibility and Management Assistance Authority Act of 1995, approved April 17, 1995 (109 Stat. 97; D.C. Code § 1-1130(b)), the Mayor and all independent agencies and entities of the District government shall submit to the Council for approval any proposal to contract-out services covered by this act that involves expenditures in excess of \$1,000,000 during a 12-month period."

(c) A new section 1102a is added to read as follows:

"Sec. 1102a. Standards for contracting officer.

"(a) Any contracting manager or contracting officer who performs the cost/benefit analysis required by section 105b(a)(1) shall meet certain training standards and be certified to ensure a level of management skills and experience in doing cost/benefit analyses.

"(b) Within 60 days of the effective date of the Budget Support Emergency Act of 1995, the Mayor shall issue, as a part of the District Government Procurement Regulations, rules for all District government employees who participate in the preparation of any cost/benefit analysis for any proposal to contract-out services previously provided by District employees. The rules shall include the provisions contained in subsection (a) of this section."

Note, Section
1-1191.2

Sec. 702. Section 501a of the Nursing Home and Community Residence Facility Residents' Protection Act of 1985, effective March 19, 1994 (D.C. Law 10-79; D.C. Code § 32-1462), is repealed.

Note, Section
32-1462

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TITLE VIII - TRANSITION BENEFITS FOR DISPLACED EMPLOYEES

Sec. 801. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), is amended as follows:

(a) A new title XXIV-A is added to read as follows:

"TITLE XXIV-A - TRANSITION BENEFITS FOR DISPLACED EMPLOYEES

"Sec. 2421. Outplacement services for displaced employees in Fiscal Year 1996.

"The outplacement services provided by the Mayor to employees displaced during Fiscal Year 1996 shall include provisions for the following:

"(1) Counseling services for stress and finance management;

"(2) Access to automated job information services;

"(3) Job fairs;

"(4) Coordination of training and job banks with the D.C. Chamber of Commerce, Business Coalition, and labor organizations;

"(5) Consulting with regional governments concerning job vacancies and job banks;

"(6) Workshops on writing resumes; and

"(7) Access to facsimile and copying machines, computers, typewriters, and telephones where local calls can be made to prospective employers.

"Sec. 2422. Transition benefits for displaced employees in Fiscal Year 1996.

"(a) This section shall apply only to employees displaced as a result of a reduction-in-force in Fiscal Year 1996.

"(b) Any employee who is displaced as a result of the reduction-in-force procedure in Fiscal Year 1996 shall be entitled to the following:

"(1) Continuation of health insurance benefits and premium contribution at the same rate as the employee had subsidized by the District while an active employee through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

"(2) Continuation of life insurance benefits and premium contribution at the same rate as the employee had subsidized by the District while an active employee through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

"(3) Reimbursement of up to \$500 of the relocation costs actually incurred to move to the site of new employment provided that the new employer is located more than 50 miles outside of Washington, D.C., and the relocation occurs within Fiscal Year 1996;

"(4) Reimbursement of travel costs incurred by the displaced employee in seeking new employment within 50 miles of the Washington Metropolitan Area through the end of the month when the displaced employee's severance expires under title XI or upon the commencement of new employment, whichever occurs first;

Note, Section
1-625.4

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"(5) Child care vouchers in the amount of \$75 per week payable to a licensed day care provider for each week the displaced employee is certified to be unemployed for the 6-month period following separation or through the end of the first week when the displaced employee is no longer unemployed, whichever occurs first; and

"(6) Tuition assistance to attend the University of the District of Columbia ("UDC") or any vocational training or GED program not to exceed one-half the yearly cost for any full-time District resident student at UDC.

"(c) The benefits contained in subsection (b) of this section are subject to the following limitations:

"(1) The displaced employee must be a bona fide District resident at the time of separation, and must have filed a District of Columbia income tax return in the 2 tax years prior to separation;

"(2) The continued coverage under subsection (b)(1) and (2) of this section for District employees enrolled in the Federal Employee Health Benefits Plan and Federal Employees Group Life Insurance Plan are subject to the federal regulations governing these benefits;

"(3) The employee must not have been the recipient of the early out or easy out retirement incentive or voluntary severance incentive programs in Fiscal Year 1996; and

"(4) The limit of the Fiscal Year 1996 appropriations for this program.

"Sec. 2423. Small business and university option.

"(a) There shall be established a small business and university option for employees displaced in Fiscal Year 1996 pursuant to a reduction-in-force.

"(b) The Mayor shall make the small business and university option available to all employees of each agency, office, and instrumentality of the District displaced as the result of a reduction-in-force in Fiscal Year 1996. The program shall be based on the following:

"(1) The small business and university option created by this act shall extend to any full-time employee covered by the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-601.1 *et seq.*), who had been continuously employed with the District government without a break in service for a period of 2 years prior to July 28, 1993, and who is displaced in Fiscal Year 1996 as the result of a reduction-in-force.

"(2) The small business and university option will be either an education voucher or an employer tax credit for payment, to either an educational system or a District-based employer, according to the following schedule:

Length of Service	Benefit
<u>2 years up to 10 years</u>	<u>\$3,000</u>
<u>10 years or more</u>	<u>\$5,000</u>

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"(c) The small business and university option is subject to the following limitations:

"(1) The employee must be a District resident, and must have filed a District of Columbia income tax return in the 2 tax years prior to separation;

"(2) The employee must have been displaced as the result of a reduction-in-force in Fiscal Year 1996;

"(3) The employee must elect this option in lieu of any entitlement to severance under title XI;

"(4) The new employer must employ 100 or less employees or be a university located within the District of Columbia; and

"(5) The new employer must agree in writing to retain the District government employee as its employee for at least 3 years barring misconduct or incompetence.

"(d) The small business and university vouchers shall be valid for use and redemption for 1 year from the date of separation, and in no case will the vouchers be usable or redeemable after September 30, 1996.

"Sec. 2424. Establishment of the Advisory Commission on Outplacement; duties.

"(a) There is established an Advisory Commission on Outplacement ("Commission").

"(b) The Commission shall advise the Mayor and the Council on the effectiveness of the outplacement services for employees displaced during Fiscal Year 1996.

"Sec. 2425. Qualifications; terms of office.

"(a) The Commission shall consist of 5 members as follows:

"(1) Three persons appointed by the Mayor, 1 of whom is a representative of the District business community, and 1 of whom is a representative of the organized labor community;

"(2) The Director of the Department of Employment Services or his or her designee; and

"(3) One person appointed by the Council.

"(b) Members of the Commission shall be residents of the District.

"(c) The Commission shall select a chair from among its members.

"(d) A vacancy on the Commission shall be filled in the same manner that the original appointment was made.

"(e) Three members of the Commission shall constitute a quorum.

"(f) The Commission shall meet quarterly to monitor the effectiveness of the outplacement services for employees displaced during Fiscal Year 1996.

"Sec. 2426. Compensation.

"Members of the Commission shall receive no compensation, but may be reimbursed for actual expenses incurred in the performance of official duties, pursuant to rules issued by the Mayor in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code § 1-612.8).

"Sec. 2427. Reports.

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"The Commission shall submit quarterly reports on the effectiveness of outplacement services and benefits beginning with the second quarter in which the Commission has a majority of its members.

" Sec. 2428. Sunset.

"Sections 2424, 2425, 2426, and 2427 shall expire on January 1, 1997."

TITLE IX - MONITORING COMMITTEE

Sec. 901. Establishment of the Initiative Implementation Monitoring Committee; duties.

Note, Section 47-318.5

(a) There is established an Initiative Implementation Monitoring Committee ("Committee").

(b) The Committee shall advise the Mayor and the Council on the status of the implementation of the initiatives contained in the District's Revised Fiscal Year 1996 Budget Request Act and the July 1995 recommendations of the Financial Responsibility and Management Assistance Authority.

(c) The Committee is authorized to meet weekly to review weekly reports on the implementation of budget initiatives from subordinate agency heads and the budget officers of independent agencies to facilitate the monitoring of spending initiatives.

Sec. 902. Composition.

(a) The Committee shall consist of 9 members as follows:

(1) City Administrator or his or her designee, provided that the designee shall have the full authority of the City Administrator;

(2) Budget director for the Council;

(3) Inspector General ("IG") or his or her designee, provided that the designee shall have the full authority of the IG;

(4) Chief Financial Officer ("CFO") or his or her designee, provided that the designee shall have the full authority of the CFO;

(5) Director of the Office of Personnel ("Director") or his or her designee, provided that the designee shall have the full authority of the Director;

(6) Auditor or his or her designee, provided that the designee shall have the full authority of the Auditor;

(7) Chief Information Officer;

(8) One person designated by the Chairman of the Council Committee of the Whole; and

(9) One person designated by the Chairman of the Council Government Operations Committee.

(b) The City Administrator shall serve as the chair of the Committee.

(c) Four members of the Committee shall constitute a quorum.

Sec. 903. Compensation.

Members of the Committee shall receive no compensation.

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Sec. 904. Reports.

The Committee shall submit to the Council reports on the status of the Fiscal Year 1996 budget initiatives each month or as requested by the Council.

TITLE X - CREATION OF CHIEF INFORMATION OFFICER POSITION

Sec. 1001. Creation of Chief Information Officer position; duties.

Note, Section
1-1181.8

(a) There is created within the Office of the City Administrator a Chief Information Officer.

(b) The Chief Information Officer shall provide directions and coordination for the District acquisition, management, and use of information and telecommunication technology, including the D.C. Wide Area Network; provide for uniformity and consistency in policies and standards for the acquisition, management, and use of information processing and telecommunications equipment, including government-wide approval of contracts over \$100,000; and provide for requisite system planning, including developing or updating strategic planning documents for District government information resources systems and telecommunication systems. Such relevant functions and staff that may currently exist within the District government should be consolidated directly under the direction of the Chief Information Officer.

TITLE XI - DEBT RESTRUCTURING

Sec. 1101. The General Obligation Bond Act of 1994, effective May 3, 1994 (D.C. Law 10-116; 41 DCR 1224), is amended as follows:

(1) Section 7(a) is amended to read as follows:

"Sec. 7. Sale of the Bonds.

"(a) The Bonds of any series may be sold by the Mayor pursuant to the provisions of section 466 of the Home Rule Act, provided that the Bonds of any series, with the exception of bonds issued to refund outstanding indebtedness of the District, shall be sold by competitive bid. The Bonds of any series issued to refund outstanding indebtedness of the District shall be sold by competitive bid or by negotiated sale. Competitive bid is the preferred method of sale for the Bonds. If the Mayor determines, in writing, that competitive bid is not feasible or is not in the best interest of the District, Bonds issued to refund outstanding indebtedness of the District shall be sold by negotiated sale and the Mayor shall transmit a copy of this written determination to the Secretary to the Council within 3 days of the date of the written determination."

(2) Section 21(c)(1) is amended to read as follows:

"(c)(1) The Mayor's letter of transmittal accompanying the submission of any proposed resolution to approve the issuance of Bonds pursuant to this act shall include a statement as to:

"(A) Whether the Bonds of any series are intended to be sold by competitive bid or by negotiated sale and, if the Bonds of any series are intended to be sold by negotiated sale, a copy of the Mayor's written determination that sale by competitive bid is not feasible or is not in the best interest of the District and a statement of the reasons supporting this determination; and

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"(B) Whether the Bonds of any series are intended to be issued on a tax-exempt or taxable basis."

TITLE XII - REVISED CASH FLOW STATEMENT

Sec. 1201. Within 7 days of the Council's passage of the District's Revised Fiscal Year 1996 Revised Budget Request Act and this act, the Mayor shall submit a revised cash flow statement to the Council reflecting the differences in the statement included in the Revised Fiscal Year 1996 Budget Request Act.

TITLE XIII - TEMPORARY ASSIGNMENT OF DISTRICT EMPLOYEES AND PRIVATE SECTOR EMPLOYEES.

Sec. 1301. Title 27 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code §§ 1-628.1 to 1-628.5), is amended as follows:

(a) Section 2701 (D.C. Code § 1-628.1) is amended to read as follows:

Note, Section
1-628.1

"Sec. 2701. Policy.

"(a) The District government recognizes that intergovernmental and private sector cooperation are essential factors in resolving problems affecting the District and that the temporary assignment of personnel between and among governmental agencies, at the same or different levels of government, private sector organizations, and institutions of higher education is a significant factor in achieving such cooperation.

"(b) Any agency is authorized to participate in a program of personnel interchange with private sector organizations, institutions of higher education, or agencies of the federal, state and local governments; provided, however, that the period of original assignment cannot exceed 2 years, but with the concurrence of the agencies or organizations and the employee involved, the assignment period may be extended in increments of 1 year."

(b) Section 2702 (D.C. Code § 1-628.2) is amended as follows:

Note, Section
1-628.2

(1) The phrase "or organization" is added after the phrase "receiving agency" wherever it appears in the section.

(2) Subsection (c) is amended by adding the phrase "or organizations" after the word "agencies".

(c) Section 2703 (D.C. Code § 1-628.3) is amended to read as follows:

Note, Section
1-628.3

"Sec. 2703. Status of employees of other governments or organizations.

"(a) When any agency of the District acts as a receiving agency, employees of the sending agency or organization who are assigned under authority of this title may:

"(1) Be given appointments in the receiving agency covering the periods of such assignments with compensation to be paid from the receiving agency funds or without compensation; or

"(2) Be considered to be on detail to the receiving agency.

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"(b) The appointment of an employee of another government or organization, assigned to a District agency, may be made without regard to the laws or rules and regulations governing the selection of employees in the Career and Educational Services.

"(c) An employee of another government or organization who is detailed to a District agency may not by virtue of the detail be considered to be an employee of the District, except as provided in this section, nor may he or she be directly paid a salary or wage by the District agency. The assignment agreement may, however, authorize the District agency to reimburse the sending agency or organization for all or any part of the employee's salary and fringe benefits. The agreement between the sending agency or organization and the receiving agency may govern the supervision of the duties of such employees during the period of detail.

"(d) The District government shall treat any employee of a sending agency or organization assigned to the District who suffers disability or death as a result of personal injury arising out of and in the course of such assignment, or sustained in the performance of duties, as a District employee for the purpose of the District's employee disability compensation program. An employee of a sending agency or organization is not entitled to benefits under that program for any period for which he or she elects similar benefits under the employee compensation program of his or her permanent employer."

(d) Section 2704 (D.C. Code § 1-628.4) is amended as follows:

Note, Section
1-628.4

(1) Subsection (a) is amended by adding the phrase ", private sector organization," after the phrase "another government".

(2) Subsection (c) is amended by adding the phrase ", private sector organization," after the word "governments".

(e) Section 2705(a)(1) and (2) (D.C. Code § 1-628.5(a)(1) and (2)) is amended by adding the phrase "or organizations" after the word "agencies".

Note, Section
1-628.5

TITLE XIV - PUBLIC EDUCATION

Sec. 1401. Section 3(a) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Act of 1994, effective March 16, 1995 (D.C. Law 10-220; D.C. Code § 31-132), is amended to read as follows:

Note, Section
31-132

"(a) The District of Columbia Board of Education ("Board of Education") is authorized to charge fees for all adult, community, and continuing education courses, and for employee certification and recertification and certification of university teacher education programs, provided that no additional fees shall be charged for ongoing courses in Academic Year 1994-1995 and Fiscal Year 1995 until those courses are completed."

Sec. 1402. Section 2(b) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Temporary Amendment Act of 1994, effective June 16, 1995 (D.C. Act 11-91; 42 DCR 3237), is amended to read as follows:

Note, Section
31-132

"(b) The District of Columbia Board of Education is authorized to charge fees for all adult, community, and continuing education courses, and for employee certification and

ENROLLED ORIGINAL

recertification and certification of university teacher education programs, provided that no additional fees shall be charged for ongoing courses in Academic Year 1994-1995 and Fiscal Year 1995 until those courses are completed."

Sec. 1403. Section 2(b) of the District of Columbia Board of Education Fees for Select Adult, Community, and Continuing Education Courses Emergency Amendment Act of 1994, effective June 16, 1995 (D.C. Act 11-62; 42 DCR 3237), is repealed.

Note, Section 31-132

Sec. 1404. (a) Notwithstanding any other law, rule, or regulation, the District of Columbia Board of Education shall contract out, beginning in School Year 1995-96 and Fiscal Year 1996, all food services operations and security services for the D.C. Public Schools unless the Superintendent determines that it is not feasible.

(b) Notwithstanding any other law, rule, or regulation, the District of Columbia Board of Education shall contract out for no more than a 3-year period, beginning in School Year 1995-96, the development of new management and data systems, as well as the training of currently employed personnel to use and manage these systems, in the areas of budget, finance, personnel/human resources, management information services, procurement, and supply management.

Sec. 1405. Pursuant to section 101(1)(c) and (d) of the Reserve Officers' Training Corps Vitalization Act of 1964, approved October 13, 1964 (78 Stat. 1063; 10 U.S.C. 2031(c) and (d)), the Board of Education, beginning in the 1995-96 School Year, shall request and ensure that active duty officers and noncommissioned officers of the U.S. Armed Forces be detailed as administrators and instructors to the District of Columbia Public Schools' Junior Reserve Officers' Training Corps program.

TITLE XV - APPLICABILITY

Sec. 1501. Sections 401, 501, 502, 1404 shall apply upon enactment by Congress of the District of Columbia Appropriations Act, 1996.

Note, Sections 1-603.1 1-609.1 1-625.1 1-625.2 1-625.4

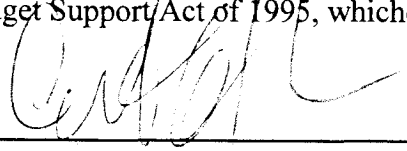
TITLE XVI - EFFECTIVE DATE

Sec. 1601. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, override of the veto by the Council) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 788; D.C. Code § 1-

ENROLLED ORIGINAL

233(c)(1), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal regulations.

(b) This act shall expire after the 225th day of its having taken effect or on the effective date of the Budget Support Act of 1995, whichever occurs first.



Chairman
Council of the District of Columbia

Mayor
District of Columbia



COUNCIL OF THE DISTRICT OF COLUMBIA

COUNCIL PERIOD ELEVEN

RECORD OF OFFICIAL COUNCIL VOTE

B11-421

Docket No. _____

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FIRST READING, 07-29-95

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT _____

ALL PRESENT

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

People's Journal
Secretary to the Council

October 13, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

ADOPTED FINAL READING, 10-10-95

VOICE VOTE

APPROVED

RECORDED VOTE ON REQUEST

ABSENT _____

BRAZIL, CROPP AND RAY

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X indicates no

AB-Absent

NV-Present not voting

CERTIFICATION RECORD

People's Journal
Secretary to the Council

October 13, 1995
Date

ITEM ON CONSENT CALENDAR

ACTION & DATE

VOICE VOTE

RECORDED VOTE ON REQUEST

ABSENT _____

ROLL CALL VOTE - Result _____

Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB	Councilmember	Aye	Nay	NV	AB
Chmn. Clarke					Jarvis					Smith, Jr.				
Brazil					Lightfoot					Thomas, Sr.				
Chavous					Mason					Whittington				
Cropp					Patterson									
Evans					Ray									

X - Indicates Vote

AB - Absent

NV - Present not Voting

CERTIFICATION RECORD

Secretary to the Council

Date