

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide that the provisions governing the Executive Service in Title X-A are applicable to persons appointed by the Mayor to serve as Chief of Police and Fire Chief; to amend An Act Relating to the Metropolitan police of the District of Columbia to clarify that the Mayor may appoint the Chief of Police from among the ranks of officers and members of the Metropolitan Police Department or from outside the department, to require that the Chief of Police be paid under the DX Schedule for subordinate agency heads, and to provide that retirement benefits for a Chief of Police appointed from within the department shall continue to be governed by provisions applicable to members and officials of the department; to repeal section 10007 of the 1998 Supplemental Appropriations and Rescissions Act; to amend section 2 of An Act to classify the officers and members of the fire department of the District of Columbia, and for other purposes, to provide that the Mayor may appoint the Fire Chief from among the ranks of officers and members of the Fire and Emergency Medical Services Department or from outside the department, to require that the Fire Chief be paid under the DX Schedule for subordinate agency heads, and to provide that retirement benefits for a Fire Chief appointed from within the department shall be governed by provisions applicable to members and officials of the department; to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide that the Chief of Police and the Fire Chief shall be paid from the DX Schedule for subordinate agency heads and shall be eligible to receive longevity payments; and to amend the Policemen and Firemen's Retirement and Disability Act to provide that Chief of Police Cathy L. Lanier, upon retirement from the Metropolitan Police Department, shall be entitled to an annuity computed at 71.5% of her average highest base pay for 36 consecutive months.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Omnibus Executive Service System, Police and Fire Systems, and Retirement Modifications for Chief of Police Cathy L. Lanier and Fire Chief Dennis L. Rubin Amendment Act of 2008".

ENROLLED ORIGINAL

Sec. 2. Section 1051 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51), is amended as follows:

**Amend
§ 1-610.51**

(a) The section heading is amended by striking the period at the end and inserting the phrase “; scope.” in its place.

(b) A new subsection (d) is added to read as follows:

“(d) Except as otherwise provided by law, the provisions of this title shall apply to persons appointed by the Mayor to serve as Chief of Police and Fire Chief.”.

Sec. 3. Section 1 of An Act Relating to the Metropolitan Police of the District of Columbia, approved February 28, 1901 (31 Stat. 819; D.C. Official Code § 5-105.01), is amended by adding a new subsection (a-1) to read as follows:

**Amend
§ 5-105.01**

“(a-1)(1) The Mayor shall appoint the Chief of Police, with the advice and consent of the Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

“(2) The Chief of Police may be selected for appointment from among the ranks of officers and members of the Metropolitan Police Department, or from outside the department.

“(3) A person selected for appointment as Chief of Police from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

“(4) A person selected for appointment as Chief of Police from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Metropolitan Police Department.”.

Sec. 4. Section 10007 of the 1998 Supplemental Appropriations and Rescissions Act, approved May 1, 1998 (112 Stat. 58; D.C. Official Code § 5-105.02), is repealed.

**Repeal
§ 5-105.02**

Sec. 5. Section 2 of An Act to classify the officers and members of the fire department of the District of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code § 5-402), is amended by adding a new subsection (a-1) to read as follows:

**Amend
§ 5-402**

“(a-1)(1) The Mayor shall appoint the Fire Chief, with the advice and consent of the

Council, pursuant to section 2(a) of the Confirmation Act of 1978, effective March 3, 1979 (D.C. Law 2-142; D.C. Official Code § 1-523.01(a)).

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

“(3) A person selected for appointment as Fire Chief from outside the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be eligible to receive retirement and other benefits as prescribed in Title X-A of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.51 *et seq.*).

“(4) A person selected for appointment as Fire Chief from among the ranks of officers and members of the department shall be paid from the DX Schedule for subordinate agency head positions pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), and, unless otherwise provided by law, shall be subject to the retirement provisions for officers and members of the Fire and Emergency Medical Services Department.”.

Sec. 6. The District of Columbia Police and Firemen’s Salary Act of 1958, approved August 1, 1958 (72 Stat. 481; D.C. Official Code § 5-541.01 *et seq.*), is amended as follows:

Amend
§ 5-541.01

(a) Section 101 (D.C. Official Code § 5-541.01) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) The lead-in text is amended by striking the phrase “subsection (b)” and inserting the phrase “subsections (a-1) and (b)” in its place.

(B) The salary schedule is amended by repealing the classification entitled “Class 11: Fire Chief, Chief of Police.”.

(2) Subsection (a-1) is amended to read as follows:

“(a-1) The Chief of Police, effective January 2, 2007, and the Fire Chief, effective April 16, 2007, shall be paid in accordance with the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52).”.

(b) Section 401(a) (D.C. Official Code § 5-544.01(a)) is amended as follows:

Amend
§ 5-544.01

(1) The lead-in text is amended by striking the phrase “service,” and inserting the phrase “continuous service, except as provided in paragraph (1A) of this subsection,” in its place.

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

“(1A) The Chief of Police, effective January 2, 2007, and the Fire Chief, effective April 16, 2007, shall receive per annum, in addition to their respective salaries set in accordance with the DX Schedule for subordinate agency heads pursuant to section 1052 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-610.52), an amount computed by multiplying the salary by the applicable percentage for years of service prescribed by the table included within subsection (a) of this section.”.

Sec. 7. Subsection (h) of the Policemen and Firemen’s Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-712), is amended by adding a new paragraph (7) to read as follows:

**Amend
§ 5-712**

“(7) Notwithstanding the first sentence of paragraph (a) of this subsection, at the time that Chief of Police Cathy L. Lanier voluntarily retires or is otherwise separated from the Metropolitan Police Department, she shall be entitled to an annuity computed at 71.5% of her average highest base pay for 36 consecutive months, including longevity payments.”.

Sec. 8. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 9. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia