

COUNCIL OF THE DISTRICT OF COLUMBIA

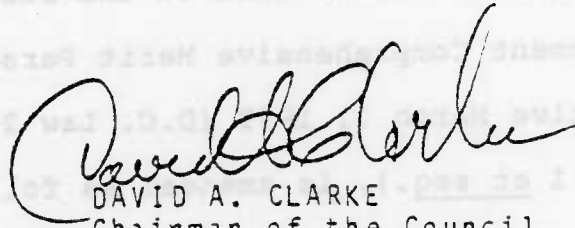
NOTICE

D.C. LAW 6-144

"Employee Debt Set-Off Act of 1986".

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. 6-177 on first and second readings, June 10, 1986 and June 24, 1986, respectively. Following the signature of the Mayor on July 8, 1986, this legislation was assigned Act No. 6-186, published in the July 25, 1986, edition of the D.C. Register, (Vol. 33 page 4383) and transmitted to Congress on July 14, 1986 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 6-144, effective September 13, 1986.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 14,15,16,17,18,21,22,23,24,25,28,29,30,31
August 1,4,5,6,7,8,11,12,13,14,15
September 8,9,10,11,12

AN ACT

D.C. ACT 6 - 1 8 6

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 0 8 1986

To clarify and make technical amendments to provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 relating to government employees; to authorize the District of Columbia to collect by installment deduction any debt owed to the District government by its employees as a result of erroneous payments to employees; and to authorize the District of Columbia to collect by set-off debts owed to the District government by its employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "Employee Debt Set-Off Act of 1986".

Sec. 2. Title XXIX of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-630.1 et seq.), is amended as follows:

(a) The title is renamed "Employee Debt Set-Offs".

(b) Section 2901 (D.C. Code, sec. 1-630.1) is amended to read as follows:

"Sec. 2901. Waiver of claims for erroneous employees payments.

"(a) In accordance with rules issued by the

Mayor, the Mayor may waive with written justification, in whole or part, a claim of the government against an employee or former employee of the District arising under section 2902 when collection would be:

- "(1) Against equity;
- "(2) Against good conscience; and
- "(3) Not in the best interests of the

District.

"(b) The authority to waive a claim for erroneous payment may not be exercised if there exists, in connection with the claim, an indication of fraud, misrepresentation, fault, or lack of good faith on the part of the employee, former employee, or any other person having an interest in obtaining a waiver of the claim.

"(c) After the expiration of 3 years immediately following the date on which the erroneous payment was discovered by the government, or 3 years immediately following the effective date of title XXIX of this act, whichever is later, the Mayor may not make any claim for an erroneous payment or debt owed to the government, except where the claim involves money owed for federal health benefits, federal life insurance, or United States civil service retirement.

"(d) Refusal by the Mayor to grant a waiver of the government's claim for erroneous payment shall be a

final agency decision for purposes of an appeal to the Office of Employee Appeals. The Office of Employee Appeals may waive the claim of the government in accordance with the standards set forth in subsections (a) and (b) of this section.

"(e) When the government has been reimbursed for a claim for erroneous payment in whole or in part, and a waiver of the claim is then granted, the employee or former employee shall be entitled to a refund of the amount of the reimbursement.

"(f) An erroneous payment, the collection of which is waived under this title, is a valid payment for all purposes.

"(g) Nothing contained in this title shall be construed to affect in any way the authority under any other statute to litigate, settle, compromise, or waive any claim of the government."

(c) New sections 2902 to 2904 are added to read as follows:

"Sec. 2902. Erroneous payments to employees.

"When the Mayor determines that an employee or former employee of the District is indebted to the District of Columbia government ("government") because of an erroneous payment made to or on behalf of the employee, the Mayor may, after 30 days notice to the employee, collect the

amount of the indebtedness as provided in this title.

"Sec. 2903. Employee debts to the District government.

"(a) Whenever an employee or former employee of the District is indebted to the government for other than an erroneous payment and the debt has either been acknowledged by the employee or reduced to judgment by a court, the Mayor may, after 30 days notice to the employee, collect the amount of the indebtedness as provided in this title.

"(b) The Mayor shall identify all debts owed to the government by an employee or former employee that have not been acknowledged by the employee or reduced to a judgment by a court, and the names of the employees, the amount of the debt, and supporting documentation shall be forwarded to the Corporation Counsel for appropriate action.

"Sec. 2904. Collection of debts.

"(a) Any debt authorized to be collected under this title may be collected in monthly installments or at officially established regular pay period intervals, by deduction in reasonable amounts from the current pay of the employee.

"(b) Deductions may be made from any wages, salary, compensation, remuneration for services, or other authorized pay, including but not limited to back pay and lump sum leave payments but not including retirement pay.

"(c) The amount deducted for any period may not

"(c) The amount deducted for any period may not exceed 20% of disposable pay, except that a greater percentage may be deducted upon consent of the employee involved.

"(d) If the employee's employment ends before collection of the amount of the indebtedness is completed, deductions may be made from later non-periodic government payments of any nature except retirement pay due the former employee without regard to the limit imposed by subsection (c) of this section."

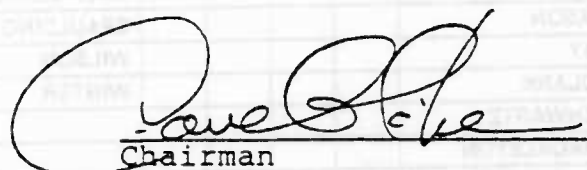
Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act,

Original
Enrolled

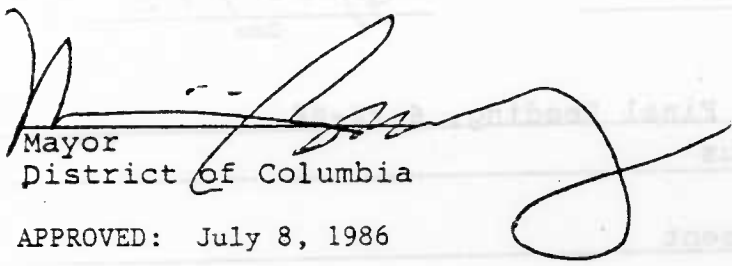
RECORD OF OFFICIAL COUNCIL VOTE

approved December 24, 1973 (87 Stat. 813; D.C. Code, sec.

1-233(c)(1)).



Chairman
Council of the District of Columbia


Mayor
District of Columbia
APPROVED: July 8, 1986

NAME	DATE	INITIALS	OFFICE
CHIEF CLERK			
SMITH JR.			
GRAYSON			
JAMES			
JANE			
MASON			
RAY			
WILSON			
WINTER			



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Six — Second Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-177

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-10-86

VOICE VOTE: Unanimous
Recorded vote on request

Absent: Schwartz and Ray

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

6/26/86
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-24-86

VOICE VOTE: Unanimous
Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell Smith
Secretary to the Council

6/26/86
Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____
Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					SPAULDING				
SMITH, JR.					RAY					WILSON				
CRAWFORD					ROLARK					WINTER				
JARVIS					SCHWARTZ									
KANE					SHACKLETON									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD