

COUNCIL OF THE DISTRICT OF COLUMBIA

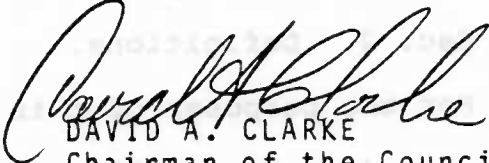
NOTICE

D.C. LAW 6-162

"D.C. Government Pay Equity and Training 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. 6-219 on first and second readings, July 8, 1986 and September 23, 1986, respectively. Following the signature of the Mayor on October 9, 1986, this legislation was assigned Act No. 6-208, published in the October 31, 1986, edition of the D.C. Register, (Vol. 33 page 6684) and transmitted to Congress on January 7, 1987 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 6-162, effective February 24, 1987.


DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 7,8,9,12,13,14,15,16,20,21,22,23,26,27,28,29,30

February 2,3,4,5,6,9,10,11,17,18,19,20,23

AN ACT

D.C. ACT 6 - 208

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 09 1986

Codification,
new chapter 11
title 36

To ascertain whether gender or race dominated job classifications exist within the District of Columbia government; if a disparity exists, to ascertain if these occupations are underpaid because of discriminatory wage-setting practices or because certain employees have not had access to opportunities for job advancement; to identify measures for eliminating those discriminatory wage setting practices and differentials where they exist; and to identify specific training and upward mobility programs and strategies that increase opportunities for economic parity among gender and races.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia Government Pay Equity and Training Act of 1986".

Sec. 2. Definitions.

For the purposes of this act, the term:

- (1) "Council" means the Council of the District of Columbia.
- (2) "District " means the District of Columbia government.
- (3) "Discriminatory wage differentials" means differences in rates of pay resulting from the use of

New,
D.C. Code,
36-1101
(1987 supp.

discriminatory wage-setting practices.

(4) "Discriminatory wage-setting practices":

(A) With regard to gender, means practices resulting in a situation where the rates of pay for positions or position classifications that are dominated (composed 70% or more) by members of 1 sex are lower than the rates of pay for positions or position classifications that are dominated (composed 70% or more) by members of the opposite sex, although the work performed is of comparable value as measured by the composite of the skill, effort, responsibilities, and working conditions normally required in the performance of the work.

(B) With regard to race, means practices resulting in a situation where the rates of pay for positions or position classifications that have a disproportionate representation of employees from a nationally recognized minority race are lower than the rates of pay for positions that are non-minority dominated, although the work performed is of comparable value as measured by the composite of the skill, effort, responsibilities, and working conditions normally required in the performance of the work.

(5) "Effort" means the energy required in the performance of work, including any intellectual or physical energy.

(6) "Employee" means an individual employed by the District or any of its independent agencies, including the public schools of the District of Columbia and the University of the District of Columbia, who performs a function of the District and who receives compensation for the performance of these services.

(7) "Equitable job-evaluation technique" means an objective method of determining the comparable value of different positions or position classifications using a system that rates numerically the composite of the skill, effort, responsibilities, and working conditions normally required in the performance of the work, and that does not discriminate, either intentionally or in its effects, on the basis of race, color, religion, sex, or any other basis prohibited by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.).

(8) "Mayor" means the Mayor of the District of Columbia.

(9) "Position" means the job an employee holds and the duties and responsibilities assigned to an employee.

(10) "Position classification" means a group or class of positions that are sufficiently similar as to kind or subject matter of work, level of difficulty, responsibility, and qualification requirements to warrant

similar treatment in personnel and pay administration.

(11) "Protected classes" means those groups of individuals against whom acts of discrimination are barred by the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.).

(12) "Responsibility" means the duties and obligations involved in the performance of a job, including the extent to which the District relies on an employee to perform the work, the importance of the duties, and the accountability of the employee for the work of others and for resources.

(13) "Skill" means the competence required in the performance of the work including any type of intellectual or physical skill acquired through experience, training, education, or natural ability.

(14) "Working conditions" means the environment in which an employee performs work, including physical and psychological factors.

Sec. 3. (a) There is established a Temporary Commission on Pay Equity and Training ("Commission").

New,
D.C. Code, §
36-1102
(1987 supp.)

(b) The Commission shall consist of 15 members appointed as follows:

(1) Five members appointed by the Mayor who shall include:

(A) The Director of the Office of Personnel

or the Director's designee;

(B) The Director of the Department of Employment Services or the Director's designee;

(C) The Director of the Office of Human Rights or the Director's designee;

(D) The Executive Director of the Commission for Women or the Executive Director's designee;

(2) One member appointed by the Chairperson of the Committee on Government Operations;

(3) One member appointed by the Chairperson of the Committee on Housing and Economic Development;

(4) One member appointed by the Chairperson of the Committee on Public Service and Cable Television;

(5) One member appointed by the Board of Education;

(6) The Executive Director of the D.C. General Hospital Commission;

(7) Four members selected from and appointed by a panel composed of 1 officer from each of the 6 largest public sector unions that each serve as the exclusive representative of employees in more than 5 job classifications and who are:

(A) More than 30% female; and

(B) More than 50% minority; and

(9) One member appointed by a panel composed of 1

officer of each of the unions not affiliated with the AFL-CIO representing (as exclusive representatives) a proportion of female employees that is greater than 30%, and a proportion of minority employees that is greater than 50%.

(c) To the extent practicable, appointments under this section shall be made with a view towards maintaining a fair balance reflecting the gender and racial compositions of the District workforce. All Commission members shall be residents of the District.

(d) Members of the Commission shall be appointed within 30 days of the effective date of this act. The chairperson of the Commission shall convene an organizational meeting no later than 15 days after the appointments have been made.

(e) The Commission shall cease to exist 60 days after its report has been submitted to the Council.

(f) Vacancies occurring within the Commission shall be filled in the same manner as the original appointees, as provided for in subsection (b) of this section.

(g) The Commission shall determine its organization and may elect its own officers.

(h) A written transcript or a transcription shall be kept for all meetings at which a vote is taken.

(i) A majority of the members of the Commission shall constitute a quorum.

(j) The Commission shall meet at the call of the chair

or a majority of its members, but at least once every 2 months.

(k) Members of the Commission shall not be considered to be employees of the District by reason of appointment to the Commission and shall not receive pay by reason of service as members. In the event that a member is a District employee, that person shall not lose pay as a result of time served on the Commission.

Sec. 4. Beginning 30 days after the effective date of this act:

New,
D.C. Code, §
36-1103
(1987 supp.)

(1) The Commission shall determine the design and methodology of the study and any other matters concerning the conduct of the study that the Commission may consider appropriate. These specifications shall be forwarded to the Department of Administrative Services, which shall prepare and process the solicitation. A list of all respondents to the solicitation shall be forwarded to the Commission by the Department of Administrative Services.

(2) A list of 5 qualified consultants, selected pursuant to competitive bidding procedures, shall be submitted to the Chairman of the Committee on Government Operations and to the Mayor by the Commission. Within 45 calendar days of receipt of the list, the Chairman of the Committee on Government Operations and the Mayor shall meet and select the consultant from the list using the alternate

strike method as follows: The Mayor shall strike the first name, the Chair of the Committee on Government Operations shall strike the second, and alternate strikes shall continue until 1 name remains.

Sec. 5. (a) In order to carry out the purposes of this act, the Department of Administrative Services shall provide by contract with the consultant selected under section 4, for the conduct of a study and the preparation of a report by the consultant:

New,
D.C. Code,
36-1104
(1987 supp.)

(1) Containing the findings of the consultant pursuant to a study that explores whether there are discriminatory wage-setting practices and discriminatory wage differentials within any of the District's position classification systems and includes a list of any positions determined as being subject to discriminatory wage-setting practices and the extent to which any discriminatory wage differentials are attributable to the practices;

(2) Identifying, where applicable, alternative measures for eliminating those discriminatory practices and differentials set forth in the consultant's findings made pursuant to paragraph (1) of this subsection, other than any measure that would result in a reduction in the rate of pay, or a cap on the rate of pay for any position, including proposals relating to the development and use of equitable job-evaluation techniques and training

programs for individuals who would be responsible for implementing those measures;

(3) Specifying any measures identified under paragraph (2) of this subsection that are authorized under current law and making recommendations for any legislative, Mayoral, or other action, other than any action that would result in a reduction in the rate of pay for any existing positions, which may be necessary in order to carry out the other measures identified under paragraph (2) of this subsection; and

(4) Setting forth a list showing by bargaining unit, where appropriate, and by pay plan for those employees not covered by collective bargaining agreements, gender and race dominated classes in the District Career, Educational, Executive, and Excepted Services for which there exists a discriminatory wage differential.

(b) Under the contract, the consultant shall be required to:

(1) Meet jointly with the Commission and the Committee on Government Operations on a regular basis in order to keep the District informed of the progress and other developments in the performance of the study and to obtain any views or recommendations from them; and

(2) Submit a report of his or her findings to the Commission within 18 months after the effective date of the

contract.

(c) The information exchanged at the meetings held under subsection (b)(1) of this section shall be considered confidential until the final report is submitted pursuant to section 8.

Sec. 6. (a) Each agency of government shall cooperate with the consultant selected pursuant to section 4(b) in the conduct of the study under this act. Each agency shall provide any data, reports, or other information, in a timely manner, that the consultant may request in the course of the study. All information shall be kept confidential by the consultant until the final report is issued.

New,
D.C.Code, s
36-1105
(1987 supp.

(b) The Office of Personnel shall provide, in a timely manner, the Commission with any information that the Commission considers necessary in order to carry out its responsibilities under this act. All information shall be kept confidential until the final report is issued pursuant to section 8.

(c) Nothing in this section authorizes the disclosure of any information if, or to the extent that, the disclosure would otherwise be prohibited by law.

(d) The Mayor shall provide administrative support, space, and other resources needed by the Commission.

Sec. 7. Nothing in this act shall be construed to limit any of the rights or remedies provided under the Civil

New,
D.C. Code,
36-1106
(1987 supp.

Rights Act of 1964, approved July 2, 1964 (78 Stat. 253; 42 U.S.C. 2000(e) et seq.), section 6(d) of the Fair Labor Standards Act of 1938, approved June 10, 1963 (77 Stat. 56; 29 U.S.C. 206(d)), the District of Columbia Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.), or any other provisions of law relating to discrimination on the basis of race, color, religion, sex, or national origin.

Sec. 8. Within 180 days after receipt of the consultant's findings, the Commission shall simultaneously submit to the Council, to the Mayor, and to the Chairman of the Committee on Government Operations its final report that shall consist of the consultant's findings, and any written comments of individual Commission members. In the final report the Commission shall also:

New,
D.C. Code, §
36-1107
(1987 supp.)

(1) Specify a plan including a timetable to carry out each of the consultant's recommendations, or, in the event that the Commission does not specify a plan to carry out 1 or more of the recommendations, give reasons for not specifying a plan;

(2) Collect and evaluate research findings with respect to training technology and effectiveness;

(3) Identify functional areas where new or expanded training activities and apprenticeship opportunities are needed, specifically for the purpose of

providing new opportunities for any groups that are found to be discriminated against based upon the findings of the consultant's study;

(4) Identify methods of improving the interagency coordination of training programs and resources and recruitment to encourage upward mobility in gender and race dominated career areas;

(5) Advise the Council and the Mayor on means of strengthening programs for training generally in the District;

(6) Analyze and evaluate the skill level, criteria, and proficiency requirements for determining an employee's eligibility for training and career advancement as a result of successful completion of training; and

(7) Submit to the Council estimates of any funds necessary within each bargaining unit or pay plan for the elimination of any discriminatory wage differentials that may be found to exist for position classifications on the list established pursuant to section 5(a)(4).

Sec. 9. The Mayor shall review the conclusions and recommendations of the final report and, within a period not to exceed 60 days, shall transmit to the Council his conclusions accompanied by any recommendations, modifications, and reasons thereof. The Council shall consider this transmittal and shall, within a period not to

New,
D.C. Code,
36-1109
(1987 supp.)

exceed 180 days, develop legislation, if necessary, to implement all or parts of the Commission's final report and the Mayor's recommendations.

Sec. 10. There is authorized out of the revenues available to the District sums necessary to carry out the purposes of this act. The authorized amount shall not exceed \$200,000.

New,
D.C. Code,
36-1110
(1987 supp.)

Sec. 11. 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,

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: October 9, 1986



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

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 6-219

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-8-86

VOICE VOTE: Unanimous

Recorded vote on request

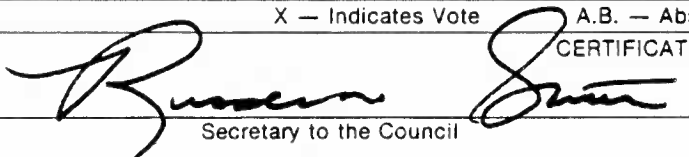
Absent: all present

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


Secretary to the Council

9/30/86
Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-23-86

VOICE VOTE: Unanimous

Recorded vote on request

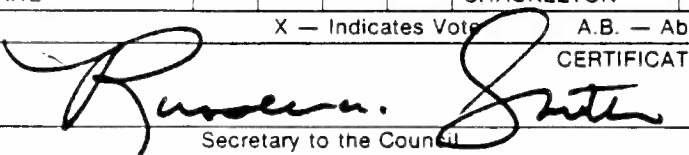
Absent: all present

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


Secretary to the Council

9/30/86
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