

COUNCIL OF THE DISTRICT OF COLUMBIA


NOTICE

D.C. LAW 7-203

"Residency Preference Amendment Act of 1988".

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. 7-44 on first and second readings November 29, 1988, and December 13, 1988, respectively. Following the signature of the Mayor on January 6, 1989, this legislation was assigned Act No. 7-274 published in the January 20, 1989, edition of the D.C. Register, (Vol. 36 page 450) and transmitted to Congress on January 23, 1989 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 7-203, effective March 16, 1989.


DAVID A. CLARKE
Chairman to the Council

Dates Counted During the 30-day Congressional Review Period:

January 24, 25, 26, 27, 30, 31
February 1, 2, 3, 6, 7, 8, 9, 21, 22, 23, 24, 27, 28
March 1, 2, 3, 6, 7, 8, 9, 10, 13, 14, 15

EFFECTIVE DATE MAR 16 1989

Codification,
District of Columbia Code
(1989 Supp.)

AN ACT

D.C. ACT 7 - 274

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JAN 0 6 1989

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to revise the residency requirement provisions to create a system to give District residents a preference for District government employment in the Career and Educational Services.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residency Preference Amendment Act of 1988".

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

(a) Section 801(e) (D.C. Code, sec. 1-608.1(e)) is amended to read as follows:

Section
1-608.1

"(e)(1) Notwithstanding any provision of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.), an applicant for District government employment in the Career Service who is a bona fide resident of the District at the time of application shall be given a hiring preference over a non-resident applicant. This preference shall be in addition to, and not instead of, qualifications established for the position.

"(2) An applicant claiming a hiring preference shall submit proof of bona fide residency in a manner determined by the Mayor pursuant to paragraph (5) of this subsection. If hired, the employee shall agree in writing to maintain bona fide District residency for a period of 5 consecutive years from the effective date of hire. Failure to maintain bona fide District residency for the consecutive 5 year period shall result in forfeiture of employment.

"(3) Any individual hired under a previous residency law who was subject to a residency requirement shall be treated as if the individual claimed a preference

and was hired pursuant to the Residency Preference Amendment Act of 1988.

"(4) In reductions-in-force, a resident District employee shall be preferred for retention and reinstatement of employment over a non-resident District employee. For purposes of this paragraph only, a non-resident District employee hired prior to January 1, 1980, shall be considered a District resident. When the provisions of this paragraph conflict with an effective collective bargaining agreement, the terms of the collective bargaining agreement shall govern.

"(5) A District employee hired in the Career Service prior to the effective date of the Residency Preference Amendment Act of 1988, who elects to apply for a competitive promotion in the Career Service and to claim a preference, shall be bound by the provisions of paragraph 2 of this subsection.

"(6) The Mayor shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.) ("APA"), issue proposed rules to implement the preference system established by this subsection. The proposed rules shall be submitted to the Council no later than February 1, 1989, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved."

(b) Section 801A(d) (D.C. Code, sec. 1.609.1(d)) is amended to read as follows:

Section
1-609.1

"(d)(1) Notwithstanding any provision of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.), an applicant for District government employment in the Educational Service who is a bona fide resident of the District at the time of application shall be given a hiring preference over a non-resident applicant. This preference shall be in addition to, and not instead of, qualifications established for the position.

"(2) An applicant claiming a hiring preference shall submit proof of bona fide residency in a manner determined by the Boards pursuant to paragraph (5) of this subsection. If hired, the employee shall agree in writing to maintain bona fide District residency for a period of 5 consecutive years from the effective date of hire. Failure to maintain bona fide District residency for the consecutive 5 year period shall result in forfeiture of employment.

"(3) Any individual hired under a previous residency law who was subject to a residency requirement

shall be treated as if the individual claimed a preference and was hired pursuant to the Residency Preference Amendment Act of 1988.

"(4) In reductions-in-force, a resident District employee shall be preferred for retention and reinstatement of employment over a non-resident District employee. For purposes of this paragraph only, a non-resident District employee hired prior to January 1, 1980, shall be considered a District resident. When the provisions of this paragraph conflict with an effective collective bargaining agreement, the terms of the collective bargaining agreement shall govern.

"(5) A District employee hired in the Educational Service prior to the effective date of the Residency Preference Amendment Act of 1988, who elects to apply for a competitive promotion in the Educational Service and to claim a preference, shall be bound by the provisions of paragraph 2 of this subsection.

"(6) The Boards shall, pursuant to title 1 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1203; D.C. Code, sec. 1-1501 et seq.) ("APA"), issue proposed rules to implement the preference system established by this subsection. The proposed rules shall be submitted to the Council no later than February 1, 1989, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved."

(c) Section 906 (D.C. Code, sec. 1-610.6) is amended to read as follows:

Section
1-610.6

"(a) Notwithstanding any provision of the Human Rights Act of 1977, (D.C. Law 2-38; D.C. Code, sec. 1-2501 et seq.), any person who applies for a position in the Excepted Service and who accepts appointment or is hired to fill a position in the Excepted Service shall become a bona fide resident of the District within 180 days of the effective date of the appointment, and shall maintain this residence for the duration of the employment. Failure to become a District resident or to maintain District residency, shall result in forfeiture of the position to which the person has been appointed.

"(b) A person hired in the Excepted Service prior to the effective date of the Residency Preference Amendment Act of 1988, who was required to be or become a District resident within 180 days of appointment and maintain that residency or forfeit employment, shall continue to be bound by the residency requirement after the effective date of the Residency Preference Amendment Act of 1988."

(d) Section 1001(e) (D.C. Code, sec. 1-611.1(e)) is amended to read as follows:

Section
1-611.1

"(e) The provisions of section 906 (D.C. Code, sec. 1-610.6) shall apply to employment in the Executive Service."

(e) A new section 1117 is added to read as follows:

New, Section
1-612.19

"Sec. 1117. Beginning in fiscal year 1992 and in the subsequent fiscal years, each employee of the District who is a bona fide resident of the District shall receive a housing bonus from the District government not to exceed 5% of the employee's annual base salary."

(f) Section 3203(a)(9) (D.C. Code, sec. 1-633.3(1)(1)) is amended by striking the phrase "Section 1 and" and inserting the word "Section" in its place.

Section
1-633.3

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 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)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

Chairman
Council of the District of Columbia

Mayor
District of Columbia
APPROVED: January 6, 1989



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Seven

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO. 37-44

Item on Consent Calendar

ACTION & DATE Adopted First Reading, 11-29-88

VOICE VOTE Approved, Members Winter and Thomas voted no
Recorded vote on request

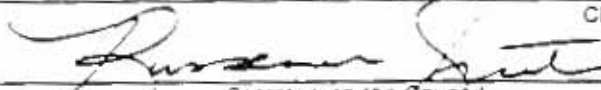
Absent: Crawford and Rolark

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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD


Secretary to the Council

12-22-88
Date

Item on Consent Calendar

ACTION & DATE Adopted Final Reading, 12-13-88

VOICE VOTE Approved, Members Rolark, Winter and Thomas voted no
Recorded vote on request

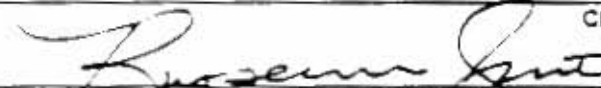
Absent: all present

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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD


Secretary to the Council

12-22-88
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					NATHANSON					THOMAS SR.				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SCHWARTZ									
MASON					SMITH, JR.									

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

CERTIFICATION RECORD

Secretary to the Council

Date