

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification
District of
Columbia
Official Code*

2001 Edition

2004 Fall
Supp.

West Group
Publisher

To amend, on a temporary basis, the District of Columbia Employee Non-Liability Act and the Office of Administrative Hearings Establishment Act of 2001 to provide members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings with protection from liability in the case of a lawsuit filed in connection with the performance of their official duties.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Commission on Selection and Tenure of Administrative Law Judges Non-Liability Temporary Amendment Act of 2004".

Sec. 2. Section 6 of the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 520; D.C. Official Code § 2-415), is amended by adding a new subsection (b-1) to read as follows:

Note,
§ 2-415

"(b-1) The District of Columbia will defend and indemnify members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings from claims and suits in law or equity arising from acts or omissions in the course and scope of their official duties, other than willful or bad faith misconduct."

Sec. 3. Section 9 of the Office of Administrative Hearings Establishment Act of 2001, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.06), is amended by adding a new subsection (d) to read as follows:

Note,
§ 2-1831.06

"(d) Commission members shall have protection from liability as provided in section 6(b-1) of the District of Columbia Employee Non-Liability Act, approved July 14, 1960 (74 Stat. 520; D.C. Official Code § 2-415(b-1))."

Sec. 4. Fiscal impact statement.

This legislation will not have an adverse fiscal impact because under current law the members of the Commission on Selection and Tenure of Administrative Law Judges of the Office of Administrative Hearings would be entitled to representation by the Corporation Counsel for the District of Columbia, and to indemnification through the Settlements and Judgments Fund, in almost all cases. The only possible exception is the highly unlikely case in which there was a conflict of interest that prevented the Corporation Counsel from representing the Commission members and indemnifying them through the Settlements and Judgments Fund. This legislation provides for the Commission members' representation and indemnification in that very unlikely circumstance and permits them to access the Settlements and Judgments Fund created for the payment of legal settlements or judgments against the District of Columbia government. Section 403 of the District of Columbia's Fiscal Year 2004 appropriation act also allows the District of Columbia to use other local funds to pay legal settlements or judgments, so

ENROLLED ORIGINAL

it seems clear that the funds exist to cover the very low probability that this legislation would require a payout of District of Columbia funds.

Sec. 5. Effective date.

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

(b) This act shall expire after 225 days of its having taken effect.

Chairman
Council of the District of Columbia

Mayor
District of Columbia