

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

*Codification  
District of  
Columbia  
Official Code*

2001 Edition

2011 Summer  
Supp.

To require, on a temporary basis, that each subordinate and independent agency and instrumentality of the District of Columbia government furlough employees on 4 designated legal public holidays during fiscal year 2011, and to authorize the Mayor to provide for alternate furlough days for certain employees to ensure that public health and safety functions are carried out.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Balanced Budget Holiday Furlough Temporary Act of 2011”.

Sec. 2. Furloughing of employees.

(a)(1) Notwithstanding any other District law or regulation, and except as provided in subsection (b) of this section and section 3, the personnel authority of each subordinate and independent agency and instrumentality of the District of Columbia government shall furlough each of its full-time employees for 4 legal public holidays without pay during the fiscal year ending September 30, 2011, and each of its part-time employees with a scheduled tour of duty for the appropriate pro-rated amount of furlough hours for the 4 furlough days.

(2) Except as provided in subsection (b) of this section, the unpaid furlough days required by this act shall be scheduled on the following legal public holidays, as that term is described in section 1202 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 § 1-612.02):

- (A) Washington’s Birthday, Monday, February 21, 2011;
- (B) District of Columbia Emancipation Day, Friday, April 15, 2011;
- (C) Memorial Day, Monday, May 30, 2011; and
- (D) Independence Day, Monday, July 4, 2011.

(b)(1) Each agency and instrumentality shall furlough each covered employee on the designated legal public holidays, unless doing so:

(A) Would impair the ability of the agency or instrumentality to fulfill its essential or emergency public health or public safety functions;

(B) Would impair the ability of the agency or instrumentality to fulfill its mission;

(C) Is not possible because the holiday is not part of an employee's pay period; or

(D) Is not legally permissible.

(2) If a covered employee cannot be furloughed on any of the legal public holidays listed in subsection (a)(2) of this section due to any of the reasons listed in paragraph (1) of this subsection, as determined by the Mayor, the employing agency or instrumentality, in consultation with the applicable personnel authority, shall schedule the furlough day on an alternate date in the same pay period that does not impair the ability of the agency or instrumentality to fulfill its mission, as determined by the Mayor. The District of Columbia Public Schools shall not furlough a classroom teacher on a date when there is classroom instruction during an instructional period.

(3)(A) Notwithstanding paragraphs (1) and (2) of this subsection, the 4 furlough days required under subsection (a) of this section may be scheduled on alternate dates in the same or subsequent pay periods for covered employees, including correctional officers, working in an agency listed in this paragraph; provided, that each of the covered employees is furloughed the required 4 days by July 31, 2011. This paragraph shall apply to the:

(i) Department of Youth Rehabilitation Services employees at the Youth Services Center and at New Beginnings;

(ii) Department of Corrections correctional personnel at the Central Detention Facility;

(iii) Office of Unified Communications employees; and

“(iv) Office of the Chief Medical Examiner employees.

(B) The Mayor shall have discretion in the application of the furlough provided under this paragraph.

(c) To the extent possible, employees who are newly hired after any of the 4 legal public holidays designated as furlough days shall be furloughed during the same pay period of the legal public holiday.

(d) Unless a subordinate or independent agency or instrumentality has authority to adopt rules governing furloughs and has adopted such rules, each agency and instrumentality is subject to the furlough rules published at 6 DCMR B §§ 2438 through 2446 and 2499, or emergency rules published by the District of Columbia Department of Human Resources to implement the provisions of this act.

(e)(1) Notwithstanding any other District law or regulation, each employee shall be provided not less than 15 days written notice before the employee's first furlough date and the provision of 15 days written notice shall be sufficient notice to permit the furloughing of the employee on that first furlough date.

(2) If an employing agency or instrumentality is unable to give notice in accordance with paragraph (1) of this subsection for the unpaid furlough day specified by subsection (a)(2)(A) of this section, or schedule the furlough day as required by this act, the employing agency or instrumentality, in consultation with the applicable personnel authority, shall schedule the furlough day on an alternate date in any subsequent pay period on or before July 31, 2011.

**Sec. 3. Scope of coverage.**

(a) This act shall apply to all subordinate and independent agencies and instrumentalities, except the following agencies or instrumentalities:

- (1) Not-for-Profit Hospital Corporation;
- (2) District of Columbia Housing Authority;
- (3) District of Columbia Housing Finance Agency;
- (4) Washington Convention and Sports Authority; and
- (5) District of Columbia Water and Sewer Authority.

(b) The following positions shall be exempt from the coverage of this act:

(1) Positions in an agency that is the subject of a court order specifically excluding the positions from furlough actions; and

(2) Certain essential or emergency positions, as determined by the Mayor by executive order, within the Metropolitan Police Department and the Fire and Emergency Medical Services Department.

**Sec. 4. Transfer of funds.**

All furlough cost savings associated with special purpose revenue or dedicated taxes shall be transferred to the unrestricted fund balance of the General Fund of the District of Columbia.

**Sec. 5. Fiscal impact statement.**

The Council adopts the fiscal impact statement of the Chief Financial Officer 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. 6. 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

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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.

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia