

AN ACT

*Codification
District of
Columbia
Code
2001 Supp.*

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to authorize the Mayor to establish early out and easy out retirement incentive programs during the remainder of Fiscal Year 2000.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retirement Incentive Temporary Act of 2000".

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 ("CMPA"), the Council of the District of Columbia adopts changes to the Career and Excepted Service compensation system under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an easy out retirement incentive program ("Easy Out Program") which shall apply to eligible employees under the personnel authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Easy Out Program.

(2) The Easy Out Program may be implemented by the appropriate personnel authority at any time during Fiscal Year 2000 after the effective date of this act.

(3) The Easy Out Program shall be limited to employees retiring under the optional retirement provisions of 5 U.S.C. § 8336(a), (b), or (f).

(4) The Easy Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on April 9, 2000, not to exceed \$25,000, to be paid within one year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for

computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payment shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. § 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1), or the disability retirement provisions of 5 U.S.C. § 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by regulations promulgated by the Mayor;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who ultimately is acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; or

(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term “felony” means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of at least \$1,000.

(9) An employee who receives an incentive payment under the Easy Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

Sec. 3. Early out retirement incentive.

(a) Notwithstanding section 1106 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (“CMPA”), the Council adopts changes to the Career and Excepted Service compensation system under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

(b) The changes to the compensation system are as follows:

(1) The Mayor is authorized to establish an early out retirement incentive program (“Early Out Program”) which shall apply to eligible employees under the personnel

authority of the Mayor, and employees of any other personnel authority that is under the pay authority of the Mayor if the personnel authority chooses to participate in the Early Out Program.

(2) The Early Out Program may be implemented by the appropriate personnel authority at any time during Fiscal Year 2000 after the effective date of this act.

(3) The Early Out Program shall be limited to employees retiring under the voluntary early out retirement provisions of 5 U.S.C. § 8336(d)(2).

(4) The Early Out Program shall offer a retirement incentive of 50% of an employee's annual rate of basic pay from the employee's salary or pay schedule which was in effect on April 9, 2000, not to exceed \$25,000, to be paid within one year of the employee's retirement.

(5) Retirement incentive payments shall be prorated in the case of a part-time employee.

(6) Retirement incentive payments shall not be considered basic pay for computing retirement entitlement, insurance entitlement, any category of premium pay entitlement, lump-sum leave, or any other entitlement that is computed on basic pay.

(7) No incentive payment shall be paid to:

(A) An employee retiring under the law enforcement or firefighter provisions of 5 U.S.C. § 8336(c), the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1), or the disability retirement provisions of 5 U.S.C. § 8337;

(B) An employee who is a reemployed annuitant under the provisions of 5 U.S.C. § 8344;

(C) An employee who is in a critical position as defined by regulations promulgated by the Mayor;

(D) An employee who is a sworn member of the Metropolitan Police Department or the Fire and Emergency Medical Services Department;

(E) An employee who is under indictment or who is charged by information with or who has been convicted of a felony or who has been convicted after a plea of *nolo contendere* to a felony related to his or her employment duties; provided, that any employee who is ultimately acquitted or cleared of any charge that caused his or her ineligibility shall be eligible for all benefits as if that employee had never been indicted for or charged by information with a felony; or

(F) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has plead guilty or has been convicted after a plea of *nolo contendere* to a misdemeanor; provided, that any employee who is ultimately acquitted or cleared of any charge which caused his or her ineligibility shall be eligible for all benefits as if that employee had never been charged with a misdemeanor.

(8) For the purposes of paragraph (7)(E) of this subsection, the term "felony" means an offense that is punishable by a term of imprisonment that exceeds one year or a fine of

a least \$1,000.

(9) An employee who receives an incentive payment under the Early Out Program shall not be eligible for reemployment with the District government for 5 years from the date of retirement, or hired or retained as a sole source consultant or personal services contractor for 5 years from the date of retirement.

Sec. 4. Fiscal impact statement.

The fiscal impact statement is attached.

Sec. 5. (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), approval by the Financial Responsibility and Management Assistance Authority as provided in section 203(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 116; D.C. Code § 47-392.3(a)), 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. Code § 1-233(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