

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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District of
Columbia
Official Code*

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To authorize, on a temporary basis, the Mayor to establish an easy out retirement incentive program for fiscal year 2008 for the District of Columbia Public Library, an independent personnel authority under the pay authority of the Mayor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District of Columbia Public Library Retirement Incentive Temporary Act of 2008”.

Sec. 2. Easy out retirement incentive.

(a) Notwithstanding section 1106 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 § 1-611.06) (“CMPA”), the Council of the District of Columbia adopts changes to the compensation system for the Career, Excepted, Legal, and Management Supervisory Services under section 1104 of the CMPA, that authorize the Mayor to establish a retirement incentive program for certain District employees.

Note,
§ 01-611.06

(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”) for eligible District of Columbia Public Library (“DCPL”) employees under its independent personnel authority and the pay authority of the Mayor. The Easy Out Program may be implemented by DCPL’s personnel authority during fiscal year 2008.

(2) The Easy Out Program shall be limited to employees who are:

(A) Retiring under the optional retirement provisions of 5 U.S.C. §8336(a), (b), or (f); and

(B) Who are eligible to retire with Social Security (minimum age 62).

(3) The Easy Out Program shall offer a retirement incentive of \$500 for each full year of creditable service towards retirement. The retirement incentive will be paid in a lump sum to be paid within fiscal year 2008.

(4) 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.

(5) No incentive pay shall be paid to:

(A) An employee who retires under the discontinued service/involuntary retirement provisions of 5 U.S.C. § 8336(d)(1) of the Civil Service Retirement System, or the disability retirement provisions of 5 U.S.C. § 8337;

(B) A person employed as a reemployed annuitant under the provisions of 5 U.S.C. § 8344 who separates from District service, whether or not he or she applies for a re-computation of his or her annuity;

(C) An employee who is receiving disability compensation under Title XXIII of the CMPA who retires and who elects to remain on disability compensation in lieu of retirement annuity;

(D) An employee serving under a time-limited appointment;

(E) An employee who receives a proposal or a final decision notice of removal for cause;

(F)(i) 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 pleas 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;

(ii) For the purposes of sub-subparagraph (i) of this sub-subparagraph, 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;

(G) An employee who, based on conduct related to his or her employment duties, has been convicted of a misdemeanor or who has pled guilty or had 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;

(H) An employee who retires after the designated period for retirement, as applicable; and

(I) An employee who has received written notice that his or her services are essential and are required by the agency until a specific date and who retires before the date cited in the notice.

(6) 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, unless he or she repays the incentive received if reemployed or hired or retained as a sole source consultant or personal services contractor before the end of the 5-year period.

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director 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. 4. 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