

DISTRICT OF COLUMBIA

City Council



Ordinance No. 005

Introduced by: Councilman RoFiles *on behalf of Mayor TheySinned*

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An ordinance for an Act entitled: "Municipal Workers' Protection Act"

AN ACT to give the workers of the District of Columbia rights that have not been granted to them by the Municipality.

SECTION 1 - GENERAL PROVISIONS

(a) This bill shall be referred to as the "Municipal Workers' Protection Act of 2024" or "D.C. Ord: #25-005"

(b) This bill shall be severable under the severability doctrine and unaffected portions shall remain in full effect while struck sections are unenforced and void.

(c) All legislation in contradiction to this bill shall be superseded and voided.

(d) This shall go into effect upon a passage in a majority vote by the City Council and signature by the Mayor or however law/the Charter prescribes.

SECTION 2 - DEFINITIONS

(a) For the purpose of this act, "personnel," "officer," and "employee," are defined as whoever is employed in the Executive Branch of the District of Columbia.

(b) "Employer" shall refer to the superior officer conducting discipline upon an employee

(c) "Termination" shall refer to the firing or releasing of any individual from the position(s) they hold

(d) "Whistleblower" shall refer to any person who informs on a person or organization engaged in illicit activity.

SECTION 3 - TERMINATION LETTER

(a) No employee shall be terminated without a termination letter provided to them including the following:

- (i) The employee's name,
- (ii) The date of termination,
- (iii) The reason for termination,
- (iv) Name of Employer,
- (v) Accompanying evidence(if any),

(vi) The employee's right to appeal to the Office of the Inspector General and the District courts in the following form: "Employees of the District of Columbia retain the right to appeal the decision made by the subscribing officer to the District of Columbia Inspector General's Office, District Court of the United States, or the National Employment and Labor Authority 30 days upon the effectivity of the termination."

(1) Punitive personnel actions taken against an employee or inferior officer of the District of Columbia shall be unlawful if a notice of an appeal is not delivered to the employee within 48 hours upon termination.

(2) No appeal may be taken concerning a personnel action should the claimant fail to file such an appeal to the District of Columbia Inspector General's Office, United States District Court, or the National Labor and Employment Authority within 30 days of the same personnel action.

(b) Failure to provide a termination letter with all of the criteria detailed in subsection (a) (i) to subsection (a) (vi) of this section leaves the employer liable to the employee in court.

SECTION 4 - FALSE TERMINATION

No officer or employee of the District of Columbia shall take any personnel action against the District of Columbia if such personnel action is founded in part, or whole, in:

(a) The proper exercise or discharge of their official duties, authorities, or responsibilities as pursuant to the Constitution, applicable laws of the United States, and laws of the District of Columbia.

(b) Retaliation or reward for any political act, or for the benefit or harm of any political organization or act.

(c) Retaliation for the exercise of any right granted by the Constitution, laws of the United States, or laws of the District of Columbia insofar that the exercise of such right does not interfere in the execution of the employee's duties, authorities, or responsibilities.

(d) The employee's sex, sexual orientation, color of skin, gender, religion, or for any other reason not related to the performance of the employee.

(e) Pre-employment activities of the employee, insofar that such pre-employment activity does not interfere in the execution of the employee's duties, authorities, or responsibilities; and

(f) For the transmission of information to the District of Columbia City Council, or to any officer authorized to receive the transmission of complaints or reports for the purpose of reporting violations of the Constitution, or laws of the District of Columbia.

SECTION 5 - UNLAWFUL TREATMENT

(a) Any person who performs a personnel action prohibited under Section 4 of this Act, under D.C. Criminal Code § 9.02 (a) (i), or any other law concerning the

protections of Municipal employees against unlawful personnel actions, with malicious intent, shall be imprisoned for no more than 18 days, terminated from their employment from office, or both.

(b) The District of Columbia may detail the clauses of Section 4 of this Act and of D.C. Criminal Code § 9.02 to employees of the Municipal Government.

SECTION 6 - EMPLOYEE RIGHTS IN THE WORKPLACE

(a) All Municipal employees serving within the Executive Branch of the District of Columbia share the rights to be free from discrimination and harassment, the right to a safe workplace, and the right to fair employment.

(b) Whistleblowers' Protection -- In order to be protected by this provision, an employee must have credible evidence that their employers are committing an alleged offense. The employee must report to the Office of the Inspector General or the Office of Independent Counsel, depending on which has jurisdiction over the employer per laws establishing their offices, with the aforementioned evidence where a punishment is decided for the individual's violations. The employee is then protected even if the employer is ultimately found to be in compliance

(c) Discrimination and Harassment -- All employees bear the right to work in a space where they are free from the means of discrimination and harassment. Examples may include: racial inequality, poking fun at an individual's appearances and/or voice, the solicit spreading of somebody's private information or pictures, sex, gender, sexuality, or any other means of discrimination as prescribed by law.

(d) Rights to Privacy -- Employers do not hold the right to ask of any private information their employees wish to not share under unjust reasoning. This includes private messages on any platform, real life information, and anything else.

(e) Any person who knowingly violates subsections (a), (b), (c), and (d) of this section shall be liable to the individual to whom the violation directly affects in court.