

Councilmember Vincent B. Orange, Sr.

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend on an temporary basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to require all District government attorneys and administrative law judges to file a Certificate of Good Standing from the District of Columbia Court of Appeals or any other state bar by May 15<sup>th</sup> of each year with the Board of Ethics and Government Accountability.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District Government Certificate of Good Standing Filing Requirement Temporary Amendment Act of 2014".

Sec. 2. Section 881(a) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective July 25, 2002 (D.C. Law 14-182; D.C. Official Code § 1-608.81(a)) is amended to read as follows:

(a) Except as provided by the rules for temporary waiver of this requirement, each attorney, hearing officer, or administrative law judge employed by the District government, and engaged in the practice of law, shall file with the Board of Ethics and Government Accountability, a Certificate of Good Standing from the District of Columbia Bar, District of Columbia Court of Appeals, or any other state bar, by May 15<sup>th</sup> of each year.

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

33 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

34 Sec. 4. Effective date.

35 (a) This act shall take effect following approval by the Mayor (or in the event of veto by  
36 the Mayor, action by the Council to override the veto), a 30-day period of congressional review  
37 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
38 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
39 Columbia Register.

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

# GOVERNMENT OF THE DISTRICT OF COLUMBIA

## Department of Employment Services

VINCENT C. GRAY  
MAYOR



F. THOMAS LUPARELLO  
ACTING DIRECTOR

October 6, 2014

Councilmember Vincent B. Orange, Sr., Chairman  
Committee on Business, Consumer, and Regulatory Affairs  
John A. Wilson Building, Room 107  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

Dear Chairman Orange:

Following up on your request made at last week's hearing, I am pleased to provide you with the Agency's General Counsel's opinion concerning the application of D.C. Code § 2-1831.01(2) to Administrative Law Judges (ALJs) and hearing officers under the Department of Employment Services' (DOES) Administrative Hearing Division (AHD).

As you know, in the D.C. government there are Administrative Law Judges and Hearing Officers. This distinction was created when the Office of Administrative Hearings (OAH) was established. Pursuant to D.C. Code § 2-1831.01(2), ALJs are defined as those working at OAH, and in paragraph (8) ALJs working in any other agency are defined as Hearing Officers. ALJs working in OAH are required, under D.C. Code § 2-1831.08(d)(1), to be members of the DC Bar in good standing and remain in good standing throughout their appointment.

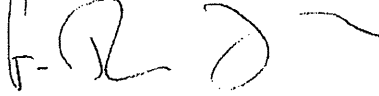
According to DCMR 7-221.2, ALJs working at the DOES's AHD are required to be admitted to the District of Columbia Bar or the bar of some other jurisdiction of the United States. Compensation Review Board judges are also ALJs and also are required to be bar members in good standing in DC or another jurisdiction.

To ensure that the DOES ALJs meet the regulatory requirement, I have implemented a procedure that requires each ALJ to submit annually a certificate of good standing from the jurisdiction in which the ALJ is a bar member. I understand that the requirement is a matter of agency policy and does not have the strength of law. It is a policy option that the DOES can support if the Council decides not to move forward with any legislative efforts.

DOES would not object to having its ALJs being covered under the "certificate of good standing filing requirements" established under D.C. Code § 1-608.81.01(2). This statute requires attorney's employed with the District government at the level of DS-13 or above to be a member of the DC Bar as a prerequisite of employment.

We look forward to working with you and members of the Committee to strengthening the integrity and building the public's confidence in the Workers' Compensation Program Adjudication process. Please know we are available to discuss these matters with you and your staff at a mutually convenient time should you so desire.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Luparello', with a horizontal flourish extending to the right.

F. Thomas Luparello  
Acting Director


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeff DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeff DeWitt  
Chief Financial Officer 

**DATE:** October 24, 2014

**SUBJECT:** Fiscal Impact Statement – “District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014”

**REFERENCE:** Draft bill as provided to the Office of Revenue Analysis on October 21, 2014

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**Conclusion**

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill.

**Background**

Under current law,<sup>1</sup> District government attorneys who are at or above pay grade DS-13 must provide a Certificate of Good Standing from the District of Columbia Bar Committee on Admissions (“D.C. Bar”) to the Department of Human Resources (DCHR) annually.

The bill requires all attorneys and administrative law judges employed by the District, regardless of their grade level, to file a Certificate of Good Standing from the D.C. Bar with the Board of Ethics and Government Accountability (BEGA) annually. BEGA will be the repository for the filings, but would have no enforcement or monitoring role. The burden is on District government attorneys to comply with the filing requirement.

DCHR will no longer receive the filings, but will continue to be responsible for reporting on who does not comply with the requirement.

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<sup>1</sup> D.C. Official Code § 1-608.81.

The Honorable Phil Mendelson

FIS: "District Government Certificate of Good Standing Filing Requirement Amendment Act of 2014," Draft bill shared with the Office of Revenue Analysis on October 21, 2014.

**Financial Plan Impact**

Funds are sufficient in the FY 2015 through FY 2018 budget and financial plan to implement the bill. Because the bill only requires BEGA to be a repository and not to do any enforcement or monitoring, no additional resources are required to implement the bill.