

AN ACT

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to clarify that the Council is an independent entity for personnel purposes and to create a new process by which certain Council attorneys shall file a certificate of good standing with the Council.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Council Independent Authority Clarification Emergency Amendment Act of 2016”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 103(a)(2) (D.C. Official Code § 1-601.02(a)(2)) is amended by striking the phrase “independent agencies” and inserting the phrase “the Council, independent agencies” in its place.

(b) Section 201(c) (D.C. Official Code § 1-602.01(c)) is amended by striking the phrase “all District agencies” and inserting the phrase “the Council and all District agencies” in its place.

(c) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) Paragraph (1) is amended by striking the phrase “as an agency.” and inserting the phrase “as an agency. The term “agency” shall not include the Council.”.

(2) Paragraph (13) (D.C. Official Code § 1-603.01(13)) is amended by striking the phrase “the Council of the District of Columbia and the Office of the Attorney General for the District of Columbia shall be considered independent agencies” and inserting the phrase “the Office of the Attorney General for the District of Columbia shall be considered an independent agency” in its place.

(d) Section 407 (D.C. Official Code § 1-604.07) is amended by striking the phrase “independent agencies” and inserting the phrase “Council or within the independent agencies” in its place.

(e) Section 701(b) (D.C. Official Code § 1-607.01(b)) is amended by striking the phrase “Each agency” and inserting the phrase “The Council and each agency” in its place.

(f) Section 852 (D.C. Official Code § 1-608.52) is amended by striking the phrase “independent and subordinate agencies” and inserting the phrase “the Council, independent agencies, and subordinate agencies” in its place.

(g) Section 855 (D.C. Official Code § 1-608.55) is amended by adding a new subsection (a-2) to read as follows:

“(a-2) Attorneys employed by the Council:

“(1) If employed in the office of a Councilmember, shall act under the direction, supervision, and control of the Councilmember;

“(2) If employed in the office of a Committee of the Council, shall act under the direction, supervision, and control of the Chair of the Committee; and

“(3) If employed in the office of a Council Officer, shall act under the direction, supervision, and control of the Council Officer.”.

(h) Section 857(a)(1) (D.C. Official Code § 1-608.57(a)(1)) is amended by striking the phrase “independent agencies” and inserting the phrase “an independent agency or the Council” in its place.

(i) Section 881 (D.C. Official Code § 1-608.81) is amended to read as follows:

“Sec. 881. Certificate of Good Standing filing requirement for Executive Branch attorneys.

“(a)(1) Except as provided by the rules for temporary waiver of this requirement, each attorney, hearing officer, or administrative law judge who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Mayor, a subordinate agency under the Mayor, the Office of the Attorney General, the Office of the Chief Financial Officer, or by any independent agency, shall file with the Department of Human Resources a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals by December 15 of each year.

“(2) The Director of Human Resources may verify the good standing of attorneys, hearing officers, and administrative law judges subject to this requirement by electronic means with the District of Columbia Bar.

“(b) The Director of Human Resources shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys, hearing officers, and administrative law judges who have not met the filing requirements of subsection (a) of this section.

“(c) The Director of Human Resources shall promulgate rules and regulations concerning:

“(1) The timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the agency; and

“(3) The procedures by which attorneys, hearing officers, or administrative law judges shall be notified of the filing requirement established by subsection (a) of this section and whether they are in compliance with the requirement.

“(d) The rules and regulations promulgated pursuant to subsection (c) of this section shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules and regulations within the 45-day review period, the rules and regulations shall be deemed approved.

“(e) The failure of an attorney, hearing officer, or administrative law judge subject to subsection (a) of this section to comply with its requirements shall result in the forfeiture of employment.

“(f) This section shall not apply to an attorney employed by the Council.”.

(j) A new section 881a is added to read as follows:

“Sec. 881a. Certificate of Good Standing filing requirement for Council attorneys.

“(a) Except for temporary waiver of this requirement pursuant to procedures established by the Council, each attorney who is required to be a member of the District of Columbia Bar as a prerequisite of employment, and who is employed by the Council, shall file annually with the Secretary to the Council a Certificate of Good Standing from the Committee on Admissions of the District of Columbia Court of Appeals.

“(b) The Secretary to the Council shall publish in the District of Columbia Register, on an annual basis, a list of all attorneys who have not met the filing requirements of subsection (a) of this section.

“(c) The Council may develop policies and procedures to implement this section including:

“(1) Procedures addressing the timing for filing a Certificate of Good Standing pursuant to subsection (a) of this section and associated procedures;

“(2) The standards governing when a temporary waiver of the filing requirement established by subsection (a) of this section may be granted by the personnel authority for the attorney who is employed by the Council; and

“(3) The procedures by which an attorney who is employed by the Council shall be notified of the filing requirement established by subsection (a) of this section and whether he or she is in compliance with the requirement.”.

(k) Section 1119(b) (D.C. Official Code § 1-611.19(b)) is amended by striking the phrase “personnel authority” and inserting the phrase “personnel authority, as defined in section 406(b) of this act,” in its place.

(l) Section 1232 (D.C. Official Code § 1-612.32) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

(2) Subsection (c) is amended by striking the phrase “Office of Personnel” and inserting the phrase “the Office of the Secretary to the Council, if the recipient employee is an employee of the Council, or the Director of Human Resources, if the recipient employee is an employee of an agency or independent agency” in its place.

(3) Subsection (d) is amended to read as follows:

“(d)(1) Notwithstanding any other provision of this section, if the head of an agency, or in the case of the Council, the Secretary to the Council, determines that any organization or program within the Council, agency, or independent agency is being substantially disrupted in carrying out its functions or is incurring additional costs because of its participation in the voluntary leave transfer program, the agency head, or in the case of the Council, the Secretary to the Council, may exclude from the program any employee or group of employees.

“(2) If the head of an agency excludes an employee or group of employees from the voluntary leave transfer program, he or she shall submit a report to the Director of Human Resources specifying how the organization or program would be substantially disrupted in carrying out its functions or would incur additional costs. This information shall be included in the Voluntary Transfer of Leave Program Report required under section 1238. This paragraph shall not apply to the Council.”.

(m) Section 1233 (D.C. Official Code § 1-612.33) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council to the Secretary to the Council,” in its place.

(2) Subsection (c)(3) is amended by striking the phrase “the agency or independent agency” and inserting the phrase “the Council, agency, or independent agency” in its place.

(3) Subsection (d) is amended by striking the phrase “The agency” and inserting the phrase, “The Council or an agency” in its place.

(n) Section 1234(a) (D.C. Official Code § 1-612.34(a)) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council to the Office of the Secretary to the Council,” in its place.

(o) Section 1235 (D.C. Official Code § 1-612.35) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council the Secretary to the Council,” in its place.

(2) Subsection (b) is amended as follows:

(A) Strike the phrase “agency head or designee” and insert the phrase “agency head or designee, or in the case of an employee of the Council the Secretary to the Council,” in its place.

(B) Strike the phrase “agency or independent agency” and insert the phrase “agency, independent agency, or, in the case of the Council, the relevant Council office” in its place.

(3) Subsection (c) is amended by striking the phrase “agency head or designee” and inserting the phrase “agency head or designee, or in the case of an employee of the Council the Secretary to the Council,” in its place.

(p) Section 1236(a) (D.C. Official Code § 1-612.36(a)) is amended by striking the phrase “Each agency or independent agency” and inserting the phrase “The Council, each agency, and each independent agency” in its place.

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(q) Section 2801 (D.C. Official Code § 1-628.01) is amended by striking the phrase “The Mayor” and inserting the phrase “The Council, the Mayor” in its place.

**Sec. 3. Applicability.**

This act shall apply as of November 17, 2016.

**Sec. 4. Fiscal impact statement.**

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

**Sec. 5. Effective date.**

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), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).

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Chairman  
Council of the District of Columbia

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Mayor  
District of Columbia