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A BILL

22-777

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish partnerships between the Department of Human Resources and District public high schools to promote pathways to government employment, to provide District high school graduates who are District residents with consideration priority for entry-level government jobs, and to establish apprenticeships in District government employment; and to amend An Act To provide for voluntary apprenticeship in the District of Columbia to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pathways to District Government Careers Amendment Act of 2018”.

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

(1) A new paragraph (7A) is added to read as follows:

“(7A) The term “entry-level” means a competitive District of Columbia government position that:

“(A) Requires 3 or fewer years of prior work experience; and

“(B) Does not require educational certification above a high school diploma or its equivalent.”.

29 (2) Paragraph (15A) is redesignated as paragraph (15B).

30 (3) A new paragraph (15A) is added to read as follows:

31 “(15A) The term “resident District graduate” means a District of Columbia  
32 resident who received a high school diploma from the District of Columbia Public Schools or a  
33 District public charter school or who received a GED or high school equivalency credential from  
34 the District of Columbia.”.

35 (b) A new section 402a is added to read as follows:

36 “Sec. 402a. Pathway to government employment partnership program.

37 “The Department of Human Resources shall develop partnerships with schools and  
38 organizations, including District of Columbia Public Schools high schools and public charter  
39 high schools, adult education schools, and not-for-profit organizations that prepare District  
40 residents for District high school diplomas or high school equivalency credentials, to foster  
41 employment applications from and the hiring of resident District graduates into District  
42 government employment. These partnerships may include:

43 “(1) Establishing a human resources recruiting unit or dedicating personnel to  
44 recruit current and future resident District graduates to internships, apprenticeships, and full-time  
45 employment in the District government;

46 “(2) A system for students to learn about and apply to District government  
47 apprenticeships and employment;

48 “(3) Paid internships in District government agencies;

49           “(4)   Mentoring by District government employees;  
50           “(5)   Career exposure to a variety of District government jobs; and  
51           “(6)   Information on entry-level jobs, including how to prepare to be a qualified  
52 applicant and how to meet suitability requirements as outlined in Chapter 4 of Title 6-B of the  
53 District of Columbia Municipal Regulations (6-B DCMR § 400 *et seq.*).”.

54           (c) Section 801 (D.C. Official Code § 1-608.01) is amended as follows:

55                   (1) Subsection (a) is amended as follows:

56                           (A) Paragraph (2) is amended by striking the semicolon and inserting the  
57 phrase “; provided, that resident District graduates shall receive consideration priority as  
58 provided in subsection (b-1) of this section.” in its place.

59                           (B) Paragraph (11) is amended by striking the phrase “development,” and  
60 inserting the phrase “development, with special emphasis on resident District graduates as  
61 provided in subsection (b-1) of this section,”.

62                   (2) A new subsection (b-1) is added to read as follows:

63                   “(b-1)(1) For each entry-level job opening, a subordinate agency, or the Department of  
64 Human Resources acting on behalf of the subordinate agency, shall:

65                           “(A) Directly solicit Career Service applications from resident District  
66 graduates through means that effectively target that population:

67                           “(B) Accept applications for at least 5 business days;

68                   “(C) Use numerical ratings, categorical rankings, or pass-fail ratings to  
69 score or rank entry-level job applicants as qualified or the equivalent of qualified, pursuant to  
70 regulations issued by the Mayor;

71                   “(D) Conduct individual interviews with select candidates as part of its  
72 hiring process; and

73                   “(E) Exclusively consider hiring resident District graduate applicants who  
74 are scored or ranked as at least qualified (or the equivalent of qualified), until that pool of  
75 resident District graduate applicants has been exhausted.

76                   “(2) If a subordinate agency is unable to fill a position after considering all  
77 qualified (or equivalently scored or ranked) resident District graduate applicants, the subordinate  
78 agency may consider other candidates.

79                   “(3) An applicant who claims resident District graduate consideration priority  
80 under this subsection shall submit proof of entitlement to the priority in a manner determined by  
81 the Mayor.

82                   “(4) Nothing in this subsection shall be interpreted as superseding a collective  
83 bargaining agreement that:

84                   “(A) Requires a subordinate agency to post vacant Career Service  
85 positions internally to allow agency bargaining unit term and temporary employees to apply and  
86 compete before posting the positions externally; or

87                   “(B) Requires a subordinate agency to give consideration priority for  
88 Career Service entry-level jobs to applicants other than resident District graduates.

89                   “(5) For the purposes of this subsection, the term “qualified” shall have the same  
90 meaning as provided in sections 809 through 810 of Title 6-B of the District of Columbia  
91 Municipal Regulations (6-B DCMR §§ 809-810), or subsequent regulations issued by the  
92 Mayor.”.

93                   (3) Subsection (g) is amended to read as follows:

94                   “(g)(1) Each subordinate agency head shall submit to the Mayor and the Council  
95 quarterly reports detailing the names of all new employees and their pay schedules, titles, and  
96 place of residence and whether, for entry-level positions, the new employee is a resident District  
97 graduate.

98                   “(2) The Mayor shall integrate into each subordinate agency’s yearly performance  
99 objectives the rate of success in hiring District residents and resident District graduates.

100                   “(3) The Mayor shall conduct annual audits of each subordinate agency’s  
101 personnel records to ensure that all persons claiming a residency preference at time of hiring  
102 comply with the provisions of subsection (e)(2) of this section and that all persons receiving  
103 resident District graduate consideration priority submitted requisite proof of entitlement.

104                   “(4) Audit reports shall be submitted annually to the Council.

105 (d) A new Title X-C is added to read as follows:

106 "TITLE X-C GOVERNMENT APPRENTICESHIPS

107 "Sec. 1080. Definitions.

108 "(1) "Apprentice" means an employee of a District agency who is employed in an  
109 apprenticeship program.

110 "(2) "Apprenticeable occupation" means an occupation title included in the most  
111 recent version of the U.S. Department of Labor's List of Occupations Officially Recognized as  
112 Apprenticeable by the Office of Apprenticeship.

113 "(3) "Apprenticeship" means an employment position in the District government  
114 that is part of an apprenticeship program.

115 "(4) "Apprenticeship program" means an employment program in the District  
116 government established pursuant to this title, which combines on-the-job training with classroom  
117 instruction to prepare employees for a career in a particular occupation.

118 "(5) "Apprenticeship sponsor" means the entity responsible for registering an  
119 apprenticeship program with OAIT.

120 "(6) "DCHR" means the District of Columbia Department of Human Resources.

121 "(7) "DOES" means the Department of Employment Services.

122 "(8) "Host agency" means the District government agency that employs an  
123 apprentice.

124                   “(9) “Life skills training” means age-appropriate, non-technical skills training that  
125 helps individuals succeed in the workplace and includes training on communication, time  
126 management, appropriate work attire, and conflict resolution, and education on workplace drug  
127 testing.

128                   “(10) “OAIT” means DOES’s Office of Apprenticeship, Information and  
129 Training.

130                   “(11) “Related technical instruction” means academic instruction, as required by  
131 approved apprenticeship standards, that supplements the concepts and processes of on-the-job  
132 learning in an apprenticeship program.

133                   “Sec. 1081. Establishment of District of Columbia Government Apprenticeship Initiative.

134                   “(a) There is established a District of Columbia Government Apprenticeship Initiative  
135 (“Initiative”) to create apprenticeships in District agencies.

136                   “(b)(1) DCHR and OAIT (“Administrators”) shall develop and administer the Initiative  
137 in accordance with this title.

138                   “(2) Each Administrator shall designate one employee to serve as the agency’s  
139 Initiative coordinator.

140                   “(c)(1) The Administrators shall consult with potential host agencies and labor union  
141 representatives to identify at least 5 apprenticeable occupations in the District government in  
142 which the District will create apprenticeship programs.

143                   “(2) The Administrators shall identify apprenticeable occupations based on:

144 “(A) Review of apprenticeable occupations within District agencies;

145 “(B) Consideration of previously open positions in District agencies;

146 upcoming position openings; current permanent, term, and temporary positions; positions filled

147 by outside contractors; and positions that could become apprenticeships if classified at a lower

148 grade;

149 “(C) The business needs of potential host agencies; and

150 “(D) The long-term employment opportunities and earning potential of

151 workers in the occupation, including outside the District government.

152 “(3) At least one of the identified apprenticeable occupations shall be in

153 information technology and at least one shall be in healthcare.

154 “(d)(1)(A) The Administrators shall submit a plan for creating and administering

155 apprenticeship programs in the apprenticeable occupations identified pursuant to subsection (c)

156 of this section to the Council within 180 days after the applicability date of the Pathways to

157 District Government Careers Amendment Act of 2018, as approved by the Committee on Labor

158 and Workforce Development on September 25, 2018 (Committee Print of Bill 22-777).

159 “(B) For each apprenticeship program, the plan shall include:

160 “(i) The occupation covered by the apprenticeship program and the

161 number of anticipated apprentices that will be employed in years 1, 2, and 3 of the Initiative;

162 “(ii) Which agency or agencies will serve as host agencies;



163                                   “(iii) Whether the host agency, DCHR, or another entity will serve  
164 as the apprenticeship sponsor;

165                                   “(iv) The division of responsibilities between each of the  
166 Administrators, the apprenticeship sponsor, and host agencies for the development and  
167 administration of the apprenticeship program, including which entity or entities will be  
168 responsible for ensuring that apprentices receive life skills training and requesting that the  
169 University of the District of Columbia Community College provide apprentices with related  
170 technical instruction if it will not be provided directly by the host agency or apprenticeship  
171 sponsor; and

172                                   “(v) A breakdown of costs by entity, including related technical  
173 instruction and life skills training.

174                                   “(2) Within 2 years after the applicability date of the Pathways to District  
175 Government Careers Amendment Act of 2018, as approved by the Committee on Labor and  
176 Workforce Development on September 25, 2018 (Committee Print of Bill 22-777), the District  
177 government shall employ at least 2 apprentices in an apprenticeship program in each of the 5  
178 apprenticeable occupations identified pursuant to subsection (c) of this section.

179                                   “(e) DCHR shall develop a process by which labor union representatives and potential  
180 host agencies, including independent agencies, may request the creation of an apprenticeship  
181 program in a specific occupation or agency. This process shall include DCHR meeting with labor  
182 union representatives at least 2 times per year.

183 “(f) DOES shall post all open apprenticeship positions on its DC Networks website.”.

184 “Sec. 1082. Apprenticeship program requirements.

185 “(a)(1) The apprenticeship sponsor shall register the apprenticeship program with OAIT  
186 in accordance with an An Act to Provide for voluntary apprenticeship in the District of  
187 Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1401 *et seq.*).

188 “(2) An apprenticeship program shall comply with standards, rules, and regulations  
189 issued pursuant to section 4 of An Act to Provide for voluntary apprenticeship in the District of  
190 Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1403); provided, that  
191 no apprenticeship agreement may conflict with the terms or conditions of a District employee’s  
192 employment under this act.

193 “(b) An apprenticeship program in a single occupation may have multiple host agencies.

194 “(c) A single host agency, DCHR, or another entity may serve as the apprenticeship  
195 sponsor for an apprenticeship program.

196 “(d) All apprenticeship programs shall include life skills training for apprentices.

197 “(e)(1) Federal funding sources shall be used to pay for related technical instruction  
198 before local funding sources.

199 “(2) DCHR, OAIT, or the host agency shall request the University of the District of  
200 Columbia Community College to provide apprentices with related technical instruction that is  
201 not provided directly by the host agency or apprenticeship sponsor.”

202 “Sec. 1083. Positions for apprenticeships; apprenticeship eligibility and employment.

203           “(a) A host agency may convert existing positions into apprenticeships or create new,  
204 lower-grade positions for the purpose of establishing apprenticeships; provided, that nothing in  
205 this title requires the creation of new positions.

206           “(b)(1) New hires and existing employees may be eligible to become apprentices;  
207 provided, that no agency may require an employee in an apprenticeable occupation hired before  
208 the applicability date of the Pathways to District Government Careers Amendment Act of 2018,  
209 as approved by the Committee on Labor and Workforce Development on September 25, 2018  
210 (Committee Print of Bill 22-777), to become an apprentice.

211           “(2) Notwithstanding section 801(e)(7), an apprentice shall be a resident of the  
212 District of Columbia.

213           “(3) An apprentice shall receive compensation, benefits, and collective bargaining  
214 rights consistent with the classification of the apprentice’s position under this act.

215           “(4) Section 10 of An Act To provide for voluntary apprenticeship in the District  
216 of Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1410), shall govern  
217 the resolution of disputes arising from terms in an apprenticeship agreement not covered by this  
218 act or a collective bargaining agreement.

219           “Sec. 1084. Reports to Council.

220           “(a) By December 1, 2020, and each subsequent December 1, DCHR shall report to the  
221 Council on the District of Columbia Government Apprenticeship Initiative (“Initiative”). The  
222 report shall include:

223           “(1) A description of each established apprenticeship program, including:  
224                   “(A) The names and roles of participating entities;  
225                   “(B) The occupation covered;  
226                   “(C) Position titles of apprentices;  
227                   “(D) Apprentice grade levels and salary ranges;  
228                   “(E) The number of total, new, and female apprentices, and the number of  
229 apprenticeship graduates in the previous year;  
230                   “(F) Apprenticeship completion rates;  
231                   “(G) Length of apprenticeships;  
232                   “(H) Copies of curricula and training plans;  
233                   “(I) The name of the entity providing the related technical instruction;  
234                   “(J) The name of the entity providing the life skills training; and  
235                   “(K) A breakdown of costs, including costs attributed to program staff,  
236 related technical instruction, and life skills training, broken down by entity and federal or local  
237 funding source; and  
238           “(2) Other information relevant to evaluating the implementation and progress of  
239 the Initiative.  
240           “(b) By October 1, 2021, DCHR shall provide to the Council a 3-year plan for the  
241 establishment of additional apprenticeship programs in apprenticeable occupations for which no  
242 apprenticeship program exists.”.

243           Sec. 3. Section 8 of An Act To provide for voluntary apprenticeship in the District of  
244 Columbia, approved May 21, 1946 (60 Stat. 204; D.C. Official Code § 32-1408), is amended as  
245 follows:

246                   (1) The lead-in language is designated as subsection (a).

247                   (2) A new subsection (b) is added to read as follows:

248           “(b) Notwithstanding subsection (a) of this section, the terms of an apprenticeship  
249 agreement executed pursuant to the District of Columbia Government Apprenticeship Initiative  
250 (Title X-C of the District of Columbia Government Comprehensive Merit Personnel Act of 1978,  
251 as approved by the Committee on Labor and Workforce Development on September 25, 2018  
252 (Committee Print of Bill 22-777)), may not conflict with laws, rules, or regulations governing the  
253 terms or conditions of employment of an employee of the host agency, as that term is defined in  
254 section 1080(8) of the District of Columbia Government Comprehensive Merit Personnel Act of  
255 1978, as approved by the Committee on Labor and Workforce Development on September 25,  
256 2018 (Committee Print of Bill 22-777).”.

257           Sec. 4. Applicability.

258                   (a) This act shall apply upon the date of inclusion of its fiscal effect in an approved  
259 budget and financial plan.

260                   (b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in  
261 the approved budget and financial plan, and provide notice to the Budget Director of the Council  
262 of the certification.

263           (c)(1) The Budget Director shall cause the notice of the certification to be published in  
264 the District of Columbia Register.

265           (2) The date of publication of the notice of the certification shall not affect the  
266 applicability of this act.

267           Sec. 5. Fiscal impact statement.

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

271           Sec. 6. Effective date.

272           This act shall take effect following approval by the Mayor (or in the event of veto by the  
273 Mayor, action by the Council to override the veto), a 30-day period of congressional review as  
274 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
275 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
276 Columbia Register.