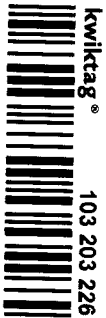


ENROLLMENT (S)



COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 8-169

"District of Columbia Government Employee
Affirmative Obligation Amendment Act of
1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-333 on first and second readings, June 12, 1990, and June 26, 1990, respectively. Following the signature of the Mayor on July 12, 1990, this legislation was assigned Act No. 8-234, published in the July 27, 1990, edition of the D.C. Register, (Vol. 37 page 4835) and transmitted to Congress on July 16, 1990 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-169, effective September 26, 1990.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 16,17,18,19,20,23,24,25,26,27,30,31

August 1,2,3

September 5,6,7,10,11,12,13,14,17,18,19,20,21,24,25

D.C. LAW 8 - 169
SEP 26 1990

Enrolled Original

Codification
District of Columbia Code
(1991 Supplement)

AN ACT

D.C. ACT 8 - 234

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 12 1990

To provide protection against retaliation for any employee who alleges or reports the violation of a law or rule, or the misuse of government resources.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Government Employee Affirmative Obligation Amendment Act of 1990".

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139, D.C. Code, sec. 1-601.1 et seq.), is amended as follows: Section 1-616.3

(a) Section 1503 (D.C. Code, sec. 1-616.3) is amended to read as follows:

"Sec. 1503. For purposes of this section, the term:

"(a)(1) "Public body" means:

"(A) The United States Congress, the Council, any State legislature, any popularly-elected local governmental body, or any member or employee of 1 of these bodies;

"(B) The federal, the District of Columbia ("District"), or any State or local judiciary, any member or employee of these judicial branches, or any grand or petit jury;

"(C) Any federal, District, State, or local regulatory, administrative, or public agency or authority or instrumentality of 1 of these agencies or authorities;

"(D) Any federal, District, State, or local law enforcement agency, prosecutorial office, or police or peace officer;

"(E) Any federal, District, State, or local department of an executive branch of government; or

"(F) Any division, board, bureau, office, committee, commission, or independent agency of any of the public bodies described in paragraphs (A) through (E) of this subsection.

"(2) "Retaliatory action" means the discharge, suspension, demotion, or any other adverse or corrective action taken against an employee, or the coercion or harassment of an employee.

"(3) "Supervisor" means any individual employed by the District government, including an agency head, who has the authority to direct and control the work performance of an employee, or who has authority to take remedial action for the violation of a law or rule, or the misuse of government resources, that an employee may allege or report pursuant to this section.

"(b) The District shall not take any retaliatory action against an employee who:

"(1) Discloses or threatens to disclose to a supervisor or to a public body an activity, policy, or practice that the employee reasonably believes is a violation of a law or rule promulgated pursuant to law, or is a misuse of government resources or funds under the control of a government official;

"(2) Provides information to or testifies before any public body conducting an investigation, hearing, or inquiry into an alleged violation of a law or rule promulgated pursuant to law, or into an alleged misuse of government resources or funds under the control of a government official;

"(3) Objects to or refuses to participate in any activity or practice that the employee reasonably believes is:

"(A) In violation of a law or rule promulgated pursuant to law; or

"(B) Fraudulent or criminal.

"(c) If an employee or former employee reasonably believes that a violation of any of the provisions of this section has occurred, the employee may, within 1 year from the date of the violation, institute a civil action in the Superior Court of the District of Columbia ("Court") for relief that may include any or all of the following:

"(1) An injunction to restrain continued violation of this section;

"(2) Rescission of a retaliatory action;

"(3) The reinstatement of the employee or former employee to the same position held before the retaliatory action, or to an equivalent position;

"(4) The reinstatement of the employee's or former employee's full fringe benefits and seniority rights;

"(5) Compensation for lost wages and benefits;
and

"(6) The payment by the District of the employee's or former employee's reasonable costs and

attorney fees, if the employee or former employee is the prevailing party.

"(d) Upon motion by the District, the Court may order that reasonable attorney fees and court costs be awarded to the District if the Court determines that an action brought by an employee or former employee under this section was not well grounded in fact and not warranted by existing law.

"(e) The institution of a civil action in accordance with this section shall:

"(1) Operate as an exhaustion of the employee's administrative remedies; and

"(2) Constitute the employee's exclusive remedy under the laws of the District for violation of this section.

"(f) The District shall conspicuously display notices of an employee's protections and obligations under this section, and shall use other appropriate means to keep all employees so informed."

(b) Section 1801 (D.C. Code, sec. 1-619.1) is amended by adding a new subsection (a-1) to read as follows:

Section
1-619.1

"(a-1) As a matter of public policy, each employee of the District is encouraged to report, pursuant to section 1503, any violation of a law or rule, or the misuse of government resources, as soon as the employee becomes aware of the violation or misuse of resources."

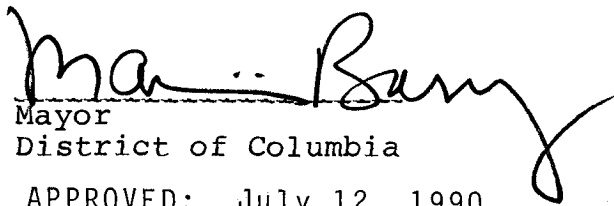
Sec. 3. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia

Enrolled Original

Statutes-at-Large, or the District of Columbia Municipal
Regulations.



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED: July 12, 1990



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: Bill 8-333

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 6-12-90

VOICE VOTE: Approved

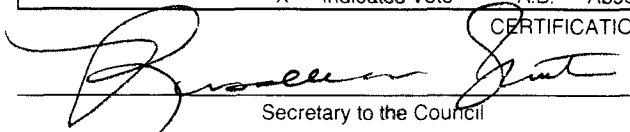
Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting


 Secretary to the Council

7-3-90
 Date

CERTIFICATION RECORD

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 6-26-90

VOICE VOTE: Approved

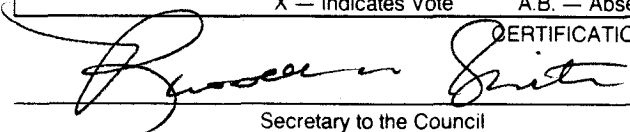
Recorded vote on request

Absent: Wilson

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting


 Secretary to the Council

7-3-90
 Date

CERTIFICATION RECORD

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____ (_ / _ / _)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date