

COUNCIL OF THE DISTRICT OF COLUMBIA

NOTICE

D.C. LAW 4-78

"University of the District of Columbia and Board of Education Salary and Pay Schedules Adjustment Act of 1981".

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. 4-326 on first and second readings, November 10, 1981 and November 24, 1981, respectively. This legislation was deemed approved without the signature of the Mayor on December 15, 1981, and was assigned Act No. 4-126, published in the January 1, 1982 edition of the D.C. Register, (Vol. 29 page 49) and transmitted to Congress on January 11, 1982 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 4-78, effective March 16, 1982.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	25,26,27,28,29
February	1,2,3,4,5,8,9,10,11,22,23,24,25,26
March	1,2,3,4,5,8,9,10,11,12,15

DATE 10 10 1981

AN ACT

D.C. ACT 4-126

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

SEP 15 1981

To approve salary and pay schedules adopted by the District of Columbia Board of Education and by the Trustees of the University of the District of Columbia for certain of their employees who are not in collective bargaining units, to make certain changes in the existing compensation systems; to provide for bonus payments in one (1) of two (2) calendar years; to make conforming amendments to existing laws; to interpret provisions of the Police and Firemen's Salary Act of 1953; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "University of the District of Columbia and Board of Education Salary and Pay Schedules Adjustment Act of 1981".

Sec. 2. (a) The Chairperson of the Board of Trustees of the University of the District of Columbia ("UDC Board"), on behalf of the UDC Board, has transmitted resolutions numbered 81-50 and 81-51 which were adopted by the UDC Board on September 23, 1981. These resolutions recommend approval by the Council of the District of Columbia ("Council") of salary adjustments effecting a five percent (5%) cost-of-living increase for certain Educational Service employees of the University of the District of Columbia who are not in any collective bargaining unit, to be effective

CODIFICATION
Note,
D.C.Code,
sec. 1-612.11
(1981 ed.)

as of the first day of the first pay period beginning on or after October 1, 1981. These resolutions further recommend approval of two percent (2%) one (1)-time salary bonuses in fiscal year 1982 for certain Educational Service employees who are not in any collective bargaining unit. The one (1)-time bonuses shall be payable on a date and in a manner to be established by the UDC Board in accordance with section 7.

(b) The President of the District of Columbia Board of Education, ("Board"), on behalf of the Board, on September 17, 1981, transmitted to the Council the action of the Board adopted on September 16, 1981, which provides for salary schedule adjustments effecting a five percent (5%) salary adjustment for certain Educational Service employees who are not in any collective bargaining unit, to be effective as of the first day of the first pay period beginning on or after October 1, 1981. This action of the Board further recommends approval of two percent (2%) one (1)-time salary bonuses in fiscal year 1982 for certain Educational Service employees who are not in any collective bargaining unit. The one (1)-time bonuses shall be payable on a date and in a manner to be established by the Board in accordance with section 7.

(c) The salary schedules and one (1)-time salary bonuses identified in subsections (a) and (b) are to be effective only to the extent that they are funded by appropriations or other funding sources over and above the

amounts appropriated specifically for the operating expenses of the University of the District of Columbia and for the Board of Education (including the Contingent Services Fund) in the Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1982, and for other purposes, Bill H.R. 4522, P.L. 97-___.

(d) Each bonus payment referred to in subsections (a) and (b):

(1) shall be in an amount equal to two percent (2%) of the basic annual rate of pay of the employee in effect during the pay period which includes November 30, 1981;

(2) shall, in the case of a part-time employee, be prorated in a manner determined by the UDC Board or by the Board, as the case may be, based upon the employee's regularly scheduled tour of duty;

(3) shall not be paid to an intermittent when-actually-employed employee or any other employee who does not have a regularly scheduled tour of duty;

(4) shall be in addition to basic pay and shall not constitute an increase in an employee's basic pay, nor shall it be construed to constitute any portion of an employee's rate of basic pay for purposes of retirement benefits or pay increases to the extent which they are covered by District of Columbia law;

(5) shall not be considered basic pay for computing insurance entitlement, any category of premium pay entitlement, lump sum leave, severance pay, or any other entitlement that is computed from basic pay under District of Columbia law;

(6) shall not be considered as a form of incentive award under title XIX of the District of Columbia Comprehensive Merit Personnel Act of 1978 ("Personnel Act"), effective March 3, 1979 (D.C. Law 2-139; D.C. Code, sec. 1-620.1 et seq.); and

(7) may be declined in whole or any part by a waiver signed and filed with the appropriate personnel office pursuant to the provisions of section 1116 of the Personnel Act (D.C. Code, sec. 1-612.15).

Sec. 3. The Council finds that the requests identified in section 2(a), (b), and (c), are fully justified and authorized by section 1111(i) of the Personnel Act (D.C. Code, sec. 1-612.11(i)).

Note,
D.C. Code,
sec. 1-612.11
(1981 ed.)

Sec. 4. The Council approves, subject to the condition stated in section 2(c), the salary schedules and pay adjustments recommended by the UDC Board and the Board which are identified in section 2(a) and (b).

Note,
D.C. Code,
sec. 1-612.11
(1981 ed.)

Sec. 5. The following schedules, Schedule 1, Board of Educational Employees (EG), effective October 1, 1981, Schedule 2, Board of Education - Educational Employees (ET), effective October, 1981, pages 1, 2, and 3; University of District of Columbia Educational Service Employers on

Note,
D.C. Code,
sec. 1-612.11
(1981 ed.)

Career Pay Schedules, Schedule 1, the District Service; University of the District of Columbia, Administrative Salary Schedule 1982; University of the District of Columbia Faculty Salary Schedule, 1982, all are attached hereto and are made a part of this act.

Sec. 6. The Council approves, subject to the conditions stated in section 2(c), the one (1)-time bonuses recommended by the UDC Board and the Board, which are identified in section 2(a) and (b) and which are further described in section 2(d).

Note,
D.C.Code,
sec. 1-612.11
(1981 ed.)

Sec. 7. The Mayor of the District of Columbia ("Mayor"), in consultation with the UDC Board and the Board, shall, by order, provide each employee of the District of Columbia government with an option to receive the one (1)-time bonus provided by section 2(a), (b), and (c) and by operation of law for employees in the Career and Excepted Services in either December, 1981, or in January, 1982. This provision shall govern any inconsistent provision of law.

Note,
D.C.Code,
sec. 1-612.11
(1981 ed.)

Sec. 8. The Personnel Act (D.C. Code, sec. 1-601 et seq.) is amended as follows:

(a) Section 1103(a)(2) (D.C. Code, sec. 1-612.3(a)(2)) is amended by striking semi-colon at the end thereof and adding the following provisions to read as follows:

D.C.Code,
sec. 1-612.3
(1981 ed.)

"in accordance with this principle, dental officers shall be paid on the same schedule as medical officers having comparable qualifications and experiences;"

(b) Section 1111(g) (D.C. Code, sec. 1-612.11(g)) is amended by striking in the second sentence the word "act" and inserting the word "resolution" in lieu thereof;

D.C. Code,
sec. 1-612.11
(1981 ed.)

(c) Section 1111(i) (D.C. Code, sec. 1-612.11(i)) is amended as follows: (1) paragraph (4) is amended (A) by striking the figure "1980" and inserting the figure "1982" in lieu thereof; (B) by adding immediately following the word "all" the word "initial"; (C) by adding immediately following the word "approval" the phrase "by resolution"; and (2) by adding the following new paragraphs at the end thereof to read as follows:

D.C. Code,
sec. 1-612.11
(1981 ed.)

"(5) If the Council by resolution approves, without revision, the proposed pay changes, adjustments, or other proposed changes to the compensation system submitted by the Board of Education, such changes shall become effective on the first day of the first pay period beginning on or after October 1 in the year in which such Board of Education submits its pay changes as provided in paragraph (3) of the subsection. If the Council takes no action on the Board of Education's proposed change or changes within sixty (60) calendar days of the submission thereof, such change or changes shall be deemed to have been approved by the Council on the day next following the expiration of such sixty (60) day period.

"(6) If the Council revises the proposal, it shall return the proposal with its revisions, to the Board of Education. If the Board of Education concurs in the

revisions, the provisions of the compensation plan as revised shall become effective on the first day of the first pay period beginning on or after October 1st, as provided in paragraph (5) of this subsection. If the Board of Education does not concur in any one or more of the revisions recommended by the Council, it shall return the revisions within ten (10) days to the Council, appending a statement of the reasons for not concurring. If the Council, by a majority vote of its members present and voting, adopts a resolution insisting upon any one or more of its original revisions, it shall return the proposal and the revisions upon which it insists to the Board within ten (10) days after receipt from the Board. If the revisions insisted upon by the Council include changes in the rate of pay different from those suggested by the Board, then the Council shall identify by act the source of funding for any pay increases insisted upon which are greater than those suggested by the Board. The pay provisions of the compensation plan so adopted shall become effective on the first day of the first pay period beginning on or after October 1st of the year during which the proposal was initially submitted by the Board. If such a majority vote does not prevail, or the Council does not act on the proposal within ten (10) days of its receipt of the Board's proposal, the formal proposal of the Board, including those revisions proposed by the Council to which the Board has concurred, shall become effective on the first day of the

first pay period beginning on or after October 1st of the year during which the proposal was initially submitted.

"(7) No pay increase for employees of the Board of Education shall vest unless funds for such pay increase are identified in the transmittal from the Board of Education to the Council concerning such increase.

"(8) If the Council by resolution approves pay changes, adjustments, and other changes in a compensation system proposed by the Board of Trustees of the University of the District of Columbia, such changes shall become effective on the first day of the first pay period beginning on or after October 1st in the year in which the Board of Trustees submits them, as provided in paragraph (5) of this subsection. If the Council takes no action on the proposed change submitted by the the Board of Trustees of the District of Columbia within sixty (60) calendar days of the submission thereof, such changes shall be deemed to have been approved by the Council on the day next following the expiration of this sixty (60) day period.

"(9) If the Council disapproves the change or changes proposed by the Board of Trustees of the University of the District of Columbia, pursuant to paragraph (8), the Board may submit a new proposal.";

(d) Section 1111 (D.C. Code, sec. 1-612.11) is amended by adding the following new subsection at the end thereof to read as follows:

D.C. Code,
sec. 1-612.11
(1981 ed.)

"(j) Retroactive pay is payable by reason of an