

DISTRICT OF COLUMBIA RETIREMENT BOARD**NOTICE OF FINAL RULEMAKING**

The District of Columbia Retirement Board (the “Board”), pursuant to the authority set forth in section 121(k) of the District of Columbia Retirement Reform Act (the “Reform Act”), Pub. L. 96-122, 93 Stat. 866, November 17, 1979 (codified at D.C. Official Code § 1-711(k) (2011 Repl.)), hereby gives notice of the adoption of final rulemaking to amend Chapter 18 of Title 7 in the District of Columbia Municipal Regulations (“DCMR”). The purpose of the final rule is for the Board to establish a 457(f) nonqualified deferred compensation plan.

The Board stated its intent to adopt the proposed rule as final in the Notice of Proposed Rulemaking published in the *D.C. Register* on September 28, 2012 at 59 DCR 11192. No comments were received and no substantive changes were made to the proposed rulemaking. These rules will become final upon publication of this notice in the *D.C. Register*.

CHAPTER 18**DISTRICT OF COLUMBIA RETIREMENT BOARD CLASSIFICATION AND
COMPENSATION PROGRAM REGULATIONS**

*Section 1805 of Chapter 18 of the District of Columbia Retirement Board
Classification and Compensation Program Regulations is amended as follows:*

A new subsection 1805.5 is added to read as follows:

- 1805.5 The Retirement Board may provide a nonqualified deferred compensation plan under section 457(f) and 409A of the Internal Revenue Code (Code) for key management employees, described as follows:
- (a) The Retirement Board shall determine those employees eligible to participate in the plan.
 - (b) The plan document shall include the terms, conditions, and provisions of the plan, including the terms of any substantial risk of forfeiture for purposes of section 457(f) of the Code.
 - (c) The plan shall be a nonqualified deferred compensation plan as defined in section 457(f) of the Code and shall comply with section 409A of the Code.