PART II

IMPLEMENTING GUIDANCE AND PROCEDURES

CHAPTER 1

INTRODUCTION

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SUBPART 1. GENERAL INFORMATION

1.1 History of the D.C. Official Code and the Comprehensive Merit Personnel Act of 1978

A. D.C. Official Code.

1. The District of Columbia Official Code (D.C. Official Code) was first published in 1929. The D.C. Official Code is a compilation of the laws of the District of Columbia that have been published by, or under the authority of, the government of the District of Columbia or that of the United States.

2. The D.C. Official Code is organized into eight (8) sections of practical law:

(1) Government of District;

(2) Judiciary and Judicial Procedure;

(3) Decendents' Estates and Fiduciary Relations;

(4) Criminal Law and Procedure and Prisoners;

(5) Local Business Affairs;

(6) Education, Libraries and Cultural Institutions;

(7) Property; and

(8) General Laws.

3. Each division is subdivided by subject matter called *Titles*; organic laws, called *Chapters* and *Subchapters*, and finally, individual *Sections* representing the individual sections of the organic law.

B. Comprehensive Merit Personnel Act of 1978.

1. The Comprehensive Merit Personnel Act of 1978 (the "CMPA"), effective March 3, 1979, is the personnel system for the District of Columbia government.

a. The major requirement of the CMPA was a separation of the District's personnel system from the federal government's personnel system by January 1, 1980, (except for the continued participation by District government employees in the federal government's Civil Service Retirement System, health and life insurance programs), and to ensure that the District government has a modern flexible system of public personnel administration that would provide for the efficient administration of the District personnel system and establish impartial and independent administrative procedures for resolving employee grievances.

b. The CMPA required the establishment of a "D.C. Department of Human Resources (the "DCHR")" headed by a "Director" appointed by the Mayor.

2. The CMPA gives the Mayor "personnel authority" over District government agencies under his or her direct administrative control.

a. For the purposes of this section, "personnel authority" means an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the CMPA (D.C. Official Code § 1-604.01, *et seq.*)

b. The Mayor may delegate his or her personnel authority under the CMPA, in whole or in part, to the Director of the DCHR.

3. There are several agencies under the administrative control of the Mayor with "personnel authority" that operate outside of the DCHR but are required to follow the CMPA. Agencies not under the authority of the Mayor are known as "independent agencies" and have "independent personnel authority" from the Mayor, although the majority must follow all or most of the provisions in the CMPA.

1.2 General Character of the District Personnel Manual System

A. The electronic-District Personnel Manual (E-DPM) system is the official method of the DCHR for issuing personnel regulations, implementing guidance and procedures, instructions, and related material on District-wide personnel programs.

B. To make the system a more convenient reference tool, it also includes a certain amount of information about DCHR's internal procedures, and other personnel-related materials.

1.3 Components of the E-DPM System and Related Issuances

A. Audience and distribution.

1. The E-DPM is written primarily for:

a. Human Resources officials as a group, including the generalist who has broad responsibilities, the specialist who is responsible for one part of the personnel process, e.g., processing the Request for Personnel Action; and

b. Managerial officials, supervisors and employees.

2. Issuances for the E-DPM are developed and prepared by the DCHR and distributed directly to agency Human Resources Advisors and placed on the DCHR's website.

B. Organization.

The manual is organized as follows:

1. The numbering system and titles correspond to the personnel regulations contained in the D.C. Municipal Regulations (DCMR). The major divisions of the manual are known as *Chapters*, each of which is numbered and titled. Subparts within chapters are also titled.

2. Each E-DPM chapter consists of three parts:

a. Part I – contains copy of the final regulations;

b. Part II – contains implementing guidance and procedures; and

c. Part III – contains instructions and bulletins.

3. The above format is used in the E-DPM with the exception of Chapters 1, 5, 15, 17 and 25. None of these chapters will have regulations contained in part I.

Part III of this chapter will be used for the filing of transmittals, periodic checklists of bulletins, and instructions.

1.4 E-DPM Instructions and Bulletins

A. Purpose and retention.

1. E-DPM Instructions. E-DPM instructions contain implementing guidance and procedures for new policies or changes to existing policies and/or procedures within the personnel system. They are filed, in numerical order, in Part III with the corresponding E-DPM chapter and are retained until superseded or rescinded.

2. E-DPM Bulletins. E-DPM bulletins provide notice and guidance on policies or changes to existing policies which are temporarily in effect for a specific period of time. They are filed in numerical order, in Part III of the manual, after the instructions.

B. General Information Guides. E-DPM general information guides set forth the procedures in implementing personnel regulations. The guides are located on the DCHR intranet website at www.dcop.in.dc.gov.

C. Distribution. E-DPM instructions, bulletins and guides are given the same distribution as the basic E-DPM chapter they amend.

D. Checklists. Periodic checklists will be sent to agency Human Resources Advisors outlining the content of an up-to-date E-DPM. This will include a list of all bulletins and instructions issued by number, and showing titles and dates of issuance. These checklists are to be filed in Part III of this chapter until they have expired.

1.5 Priority of Material in the E-DPM System Over Other Issuances

The first publication of this manual was in September 1985. Any material issued in the E-DPM system states the official position of the DCHR as of the date published. It supersedes any earlier conflicting material. Therefore, the individual pages of the manual may not bear the September 1985 date.

When revised pages or supplements are issued, the date of issuance is shown on the document.

1.6 Agencies Governed by the E-DPM

A. The E-DPM governs all District government agencies subordinate to the Executive Office of the Mayor and under the Mayor's personnel authority.

B. Other District government agencies may adopt the E-DPM, in whole or in part, as the regulations governing their personnel. This must be done expressly and in writing.

1.7 Agencies Subordinate to the Executive Office of the Mayor

A. The following agencies are subordinate to the Executive Office of the Mayor and subject to the Mayor's personnel authority:

- Commission on the Arts and Humanities
- Department of Consumer and Regulatory Affairs
- Department of Corrections
- Department of Employment Services

- Department of Forensic Sciences
- Department of General Services
- Department of Health
- Department of Health Care Finance
- Department of Housing and Community Development
- Department of Human Resources
- Department of Insurance, Securities & Banking
- Department of Motor Vehicles
- Department of Parks and Recreation
- Department of Public Works
- Department of Small & Local Business Development
- Department of Youth Rehabilitation Services
- Office of the Deputy Mayor for Education
- District Department of the Environment
- District Department of Transportation
- Executive Office of the Mayor
- Fire & Emergency Medical Services Department
- Homeland Security and Emergency Management Agency
- Office on African Affairs
- Office on Aging
- Office on Asian and Pacific Islander Affairs
- Office of Cable Television
- Office of the Chief Medical Examiner
- Office of the Chief Technology Officer
- Office of the City Administrator
- Office of the Deputy Mayor for Planning & Economic Development
- Office of Disability Rights
- Council of the District of Columbia
- Criminal Justice Coordinating Council
- D.C. Armory Board
- D.C. Auditor
- D.C. Board of Elections
- D.C. Board of Library Trustees
- D.C. Retirement Board
- Judicial Nomination Commission
- Sentencing and Criminal Code Revision Commission
- Office of Administrative Hearings
- Office of Advisory Neighborhood Commissions
- Office of Contracting and Procurement
- Office of Employee Appeals
- Office of the People's Counsel
- Office of Police Complaints
- Office of the Tenant Advocate
- Office of Zoning
- Office of Ex-Offenders Affairs
- Office of Human Rights
- Office of the Inspector General
- Office on Latino Affairs
- Office of Planning
- Office of Risk Management
- Office of the Secretary of the D.C.
- Office of the State Superintendent of Education
- Office of Unified Communications

B. The following subordinate agencies to the Executive Office of the Mayor have independent personnel authority or delegated personnel authority by Mayor's Order, and follows the E-DPM, in whole or in part, as the regulations governing their personnel:

- Child and Family Services Agency
- D.C. Public Schools
- Department of Disability Services
- Department of Mental Health
- Metropolitan Police Department
- Office of the Attorney General of the D.C.

D. The following independent agencies have adopted the E-DPM, in whole or in part, as the regulations governing their personnel:

- Alcoholic Beverage Regulation Administration
- Commission of Judicial Disabilities & Tenure
- Public Employee Relations Board
- Public Service Commission

1.8 Process to Amend Personnel Regulations

A. To begin the rulemaking process, the DCHR must obtain concurrence on the proposed rulemaking(s) from the Office of the City Administrator (OCA) and Office of Policy and Legislative Affairs (OPLA). The proposed rulemaking(s) must be transmitted from the Director of DCHR to the City Administrator and Director of OPLA.

B. The memorandum and rulemaking(s) should be emailed to the OPLA Policy Analyst assigned to the DCHR, OCA Analyst assigned to the DCHR, City Administrator and Director of OPLA. The transmittal memorandum shall include:

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1. Purpose. State the purpose of the proposed rulemaking and indicate, depending on the stage of the review process, that the Agency Director, Deputy Mayor, or City Administrator has approved.

2. Action Request. State the action requested. The agency should indicate if this is an emergency, proposed, combined (emergency and proposed), or final rulemaking.

3. Background. Provide background information on the proposed rulemaking. State whether the rules are to fix an existing or anticipated problem, and whether residents, another agency, interest groups, or others will be impacted by the rulemaking.

4. Fiscal Impact. Describe the impact of the proposed rulemaking on the operations of any other agency, including an estimate of the impact they may have on District revenues and expenditures.

5. Stakeholder Impact. Describe stakeholder involvement and anticipated pushback. Provide any supporting documentation.

6. Timeline. Provide a proposed timeline for publication and resulting impact if not published before a certain date.

C. Prior to the submission the proposed rules to the Office of the Attorney General (OAG), the DCHR must work with other agencies to address any concerns and comments which may have an impact on them.

D. The proposed rulemaking(s) is transmitted via email to the Deputy of the Office of the Attorney General's Legal Counsel Division (OAG) for legal sufficiency certification, along with the transmittal memorandum and a statement that the OCA and OPLA have approved the rulemaking(s).

E. After receiving the OAG legal sufficiency certification, the DCHR must submit the proposed rulemaking(s) to the Office of Documents and Administrative Issuances (ODAI) for compliance with formatting and codification standards, consistent with ODAI's Rulemaking Handbook and Publications Style Manual and ODAI's rules located in Chapter 3 of Title 1 of the District of Columbia Municipal Regulations. The agency should email the rules to DCdocuments@dc.gov.

F. While ODAI's review is pending, the DCHR must also send the proposed rulemaking(s) to OPLA to obtain final approvals and certification.

G. Once OPLA certifies the proposed rulemaking(s) for publication in the *D.C. Register* (and/or transmits the rules to the Council if required); an agency must provide a full draft of the proposed rules as approved.

H. After OPLA certifies the proposed rulemaking(s), the DCHR will submit the proposed rulemaking(s) to ODAI for publication in the *D.C. Register* by uploading the rules into the e-rulemaking system. The DCHR shall email the OAG legal sufficiency memorandum and OPLA certification to ODAI's email address, DCdocuments@dc.gov. The proposed rulemaking(s), OPLA certification, and OAG legal sufficiency memorandum must be submitted by noon on Tuesday for publication in the same week's *D.C. Register*.

I. There are no exceptions from this process, which applies to all rulemaking notices.

1.9 E-DPM Reform Efforts

A. Classification and Compensation Reform Project

1. The Classification and Compensation Reform Project (project), is being implemented by the Labor Management Task Force (LMTF) and the District government. The purpose of the project is to replace the District's current job classification and compensation system with a new modern system that supports the District's strategic goal to recruit, manage and retain a well-qualified and diverse workforce.

2. The project will cover both union and non-union employees, although it is mandated by the Compensation Unit 1 & 2 Collective Bargaining Agreement. There are two (2) major phases to the project:

a. Phase 1: Classification. This phase of the project is currently in progress, and will replace the District government's current job classification system with a new automated system for employees listed in section 4 below. The goals are to increase administrative ease by creating a uniform platform for assigning jobs and consistent titling methodology for jobs performing the same work; do a better job of reflecting the work done by District government employees; to assist supervisors in setting performance goals based on assistance from employees in identifying career paths within the District government. The new system will be automated and linked directly to the existing PeopleSoft System for a seamless transition.

b. Phase 2: Compensation. This phase of the project is currently underway. The goals of the new compensation system are to create a modern system tailored to the needs of the District government, to ensure that compensation is externally competitive, internally equitable, fiscally sound, and to clearly-define job attributes in order to ensure that the District compensation system is appropriately market-based, internally equitable, and fiscally sound. The new system will also increase HRIS effectiveness and efficiency for the District government agencies by linking the new system directly to the existing PeopleSoft System.

3. Authority. D.C. Official Code §§ 1-611.02 and 1-611.04 (2006 Repl.).

4. Affected Personnel. This project will affect approximately 16,000 employees under the personnel authority of the Mayor (excluding: sworn members of the Metropolitan Police Department and Fire and Emergency Medical Services Department; and employees in the educational service). Also covered under this project are independent agencies that have employees covered by the Compensation Units 1 & 2 Collective Bargaining Agreement or who currently use the District government's pay schedules for non-union employees. District government employees not covered by the new system will remain under the existing system.

B. The E-DPM Review Project

The E-DPM Review Project (project) which is managed by the DCHR's Legal, Compliance and Policy Administration involves a comprehensive and systematic review of each chapter of the E-DPM, along with corresponding Issuances, Mayor's Orders, and guides. The goals of the project are to ensure that personnel regulations, policies, and standing operating procedures are in compliance with all District and Federal laws; improve understanding and use of the District's personnel regulations; and foster a climate of support for the District government's Human Resources officials, management, and employees.

1. Objectives. The project aims to review, research, and correct substantive and technical inaccuracies within the E-DPM and corresponding Issuances and Mayor's Orders; develop a consistent and user-friendly format, establish cross-references to controlling authorities, correlating subsections, Guides and Mayor's Orders; improve online access to the E-DPM; and coordinate training and/or information sessions for chapters that have undergone extensive policy revision or of a technical nature.

2. Authority. District of Columbia Government Comprehensive Merit Personnel Amendment Act of 2012 (D.C. Act 19-290, effective March 14, 2012)

3. Process. The Process Cycle describes a single Round of E-DPM review lasting approximately 90 days. Each round covers a minimum of at least three (3) DPM chapters. The end of the round does not signify the end of the rulemaking process for that round. Rather, it identifies the period where the proposed rulemaking is submitted for consideration, providing an opportunity for the Policy Group to precede with launch activities for the succeeding Round as the rules make their way through the review and comment period.

4. Tracking and Implementation. Guides and Issuances for distribution upon effective date of the Rule are due five weeks after the Round start date. The rulemaking process begins six weeks after the Round start date and ends 30 days later. The D.C. Council must be updated quarterly.