**Comparative Print**

**Committee on Labor and Workforce Development**

**B22-777**

**September 25, 2018**

**Comprehensive Merit Personnel Act of 1978**

**§ 1–603.01. Definitions.**

For the purpose of this chapter unless otherwise required by the context:

**(1)** The term “agency” means any unit of the District of Columbia government required by law, by the Mayor of the District of Columbia, or by the Council of the District to administer any law, rule, or any regulation adopted under authority of law. The term “agency” shall also include any unit of the District of Columbia government created by the reorganization of 1 or more of the units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency. The term "agency" shall not include the Council.

**(1A)** The term “Attorney General” means the Attorney General for the District of Columbia.

**(2)** The term “boards and commissions” means bodies established by law or by order of the Mayor of the District of Columbia consisting of appointed members to perform a trust or execute official functions on behalf of the District of Columbia government. Compensation or reimbursement of expenses, if any, to such members shall be provided according to § [1-611.08](https://code.dccouncil.us/dc/council/code/sections/1-611.08.html); provided, however, that full-time employees shall be paid in accordance with the provisions of § [1-611.04](https://code.dccouncil.us/dc/council/code/sections/1-611.04.html) or § [1-611.11](https://code.dccouncil.us/dc/council/code/sections/1-611.11.html).

**(3)** The term “Career Service” means positions in the District of Columbia government as provided for in subchapter VIII of this chapter and § [1-602.04](https://code.dccouncil.us/dc/council/code/sections/1-602.04.html).

**(4)** The term “Council” means the Council of the District of Columbia, created pursuant to § [1-204.01](https://code.dccouncil.us/dc/council/code/sections/1-204.01.html).

**(5)** The term “District” means the District of Columbia government (§ [1-102](https://code.dccouncil.us/dc/council/code/sections/1-102.html)).

**(5A)** The term “domestic partner” shall have the same meaning as provided in § [32-701](https://code.dccouncil.us/dc/council/code/sections/32-701.html)(3).

**(5B)** The term “domestic partnership” shall have the same meaning as provided in § [32-701](https://code.dccouncil.us/dc/council/code/sections/32-701.html)(4).

**(5C)** The term “domicile” means:

**(A)** Physical presence in the District of Columbia; and

**(B)** An intent to abandon any and all former domiciles and remain in the District of Columbia during the duration of the appointment.

**(6)** The term “educational employee” means an employee of the District of Columbia Board of Education or of the Board of Trustees of the University of the District of Columbia, except persons employed in any of the following types of positions:

**(A)** Clerical, stenographic, or secretarial positions;

**(B)** Custodial, building maintenance, building engineer, general maintenance, or general engineering positions;

**(C)** Bus drivers and other drivers involved in the transportation of persons, equipment, materials or inventory;

**(D)** Cooks, dieticians, and other positions involved in direct planning, preparation, service, and conditions of preparation and service of food;

**(E)** Technicians involved in the operation or maintenance of machinery, vehicles, equipment or the processing of materials and inventory; or

**(F)** Positions the major duties in which consist of the supervision of employees covered in not be deemed to include heads of academic units at the School of Law or the University of the District of Columbia.

**(7)** The term “employee” means, except when specifically modified in this chapter, an individual who performs a function of the District government and who receives compensation for the performance of such services.

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

1. **Requires 3 or fewer years of prior work experience; and**
2. **Does not require educational certification above a high school diploma or its equivalent.**

**(8)** The term “Excepted Service” means positions in the District of Columbia government as provided for in subchapter IX of this chapter.

**(8A)** The term “exceptional circumstances” means conditions or facts that are uncommon, deviate from or do not conform to the norm, or are beyond willful control, which are presented to the personnel authority by an agency hiring an individual to fill a position in the Excepted and Executive Services, and which shall be considered by the personnel authority in determining the reasonableness of granting a waiver of the domicile requirement pursuant to §§ [1-609.06](https://code.dccouncil.us/dc/council/code/sections/1-609.06.html) and [1-610.59](https://code.dccouncil.us/dc/council/code/sections/1-610.59.html).

**(9)** The term “Executive Service” means any subordinate agency head whom the Mayor is authorized to appoint in accordance with subchapter X-A of this chapter.

**(9A)** “Gender identity or expression” shall have the same meaning as provided in § [2-1401.02](https://code.dccouncil.us/dc/council/code/sections/2-1401.02.html)(12A).

**(10)** The term “grievance” means any matter under the control of the District government which impairs or adversely affects the interest, concern, or welfare of employees, but does not include adverse actions resulting in removals, suspension of 10 days or more, or reductions in grade, reductions in force or classification matters. This definition applies to matters which are subject to procedures established pursuant to section § [1-616.53](https://code.dccouncil.us/dc/council/code/sections/1-616.53.html) and is not intended to restrict matters that may be subject to a negotiated grievance and arbitration procedure in a collective bargaining agreement between the District and a labor organization representing employees.

**(10A)** The term “hard to fill position” means a position so designated by the personnel authority on the basis of demonstrated recruitment and retention problems inherent in the position due to the uniqueness of the duties and responsibilities and the unusual combination of highly specialized qualification requirements for the position.

**(11)** The term “head” means the highest ranking executive official of an agency.

**(12)** The term “holidays” means any day established as a legal holiday pursuant to subchapter XII of this chapter.

**(13)** The term “independent agency” means any board or commission of the District of Columbia government not subject to the administrative control of the Mayor, including, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, the Armory Board, the Board of Elections and Ethics, the Public Service Commission, the Zoning Commission for the District of Columbia, the Public Employee Relations Board, the District of Columbia Retirement Board, and the Office of Employee Appeals. For the purposes of this chapter, the Office of the Attorney General for the District of Columbia shall be considered an independent agency of the District of Columbia. For the purposes of subchapter XXVIII of this chapter, the Washington Metropolitan Area Transit Commission shall be considered an independent agency of the District.

**(13A)** The term “Legal Service” means positions in the District of Columbia government as provided for in subchapter VIII-B of this chapter.

**(13B)** The term “Management Supervisory Service” means positions in the District of Columbia government as provided for in subchapter IX-A of this chapter.

**(13C)** The term “nonschool-based personnel” means any employee of the District of Columbia Public Schools who is not based at a local school or who does not provide direct services to individual students.

**(14)** The term “personnel authority” means an individual with the authority to administer all or part of a personnel management program as provided in subchapter IV of this chapter.

**(14A)** “Public official” means:

 **(A)** A candidate for nomination for election, or election, to public office;

**(B)** The Mayor, Chairman, and each member of the Council of the District of Columbia holding office under Chapter 2 of this title [§ [1-201.01](https://code.dccouncil.us/dc/council/code/sections/1-201.01.html) et seq.];

**(C)** The Attorney General;

**(D)** A Representative or Senator elected pursuant to § [1-123](https://code.dccouncil.us/dc/council/code/sections/1-123.html);

**(E)** An Advisory Neighborhood Commissioner;

**(F)** A member of the State Board of Education;

**(G)** A person serving as a subordinate agency head in a position designated as within the Executive Service;

**(H)** A member of a board or commission listed in § [1-523.01](https://code.dccouncil.us/dc/council/code/sections/1-523.01.html)(e); and

**(I)** A District of Columbia Excepted Service employee paid at a rate of Excepted Service 9 or above, or its equivalent, who makes decisions or participates substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or acts in areas of responsibility that may create a conflict of interest or the appearance of a conflict of interest; and any additional employees designated by rule by the Ethics Board who make decisions or participate substantially in areas of contracting, procurement, administration of grants or subsidies, developing policies, land use planning, inspecting, licensing, regulating, or auditing, or act in areas of responsibility that may create a conflict of interest or the appearance of a conflict of interest.

**(15)** The term “resident” means any person who is a domiciliary of the District of Columbia and who throughout his or her employment by the District maintains a place of abode in the District of Columbia as his or her actual, regular, and principal place of occupancy.

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

**(15B)** The term “school administrators” means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia Public Schools.

**(16)** The term “standard” means any criterion, guideline, or measure established by appropriate authority for the purpose of making objective comparisons or determinations for such purposes, including, but not limited to, the classification of positions, establishment of pay, evaluation of qualifications, and appraisal of work performance.

**(17)** The term “subordinate agency” means any agency under the direct administrative control of the Mayor, including, but not limited to, the following:

**(A)** Office of Operations (Mayor’s Order 83-17);

**(B)** Office of Economic Development (Mayor’s Order 83-18);

**(C)** Office of Financial Management (Mayor’s Order 83-19);

**(D)** Repealed.

**(E)** Department of Corrections (Organization Order 7);

**(F)** Department of Public Works (Reorganization Plan No. 4 of 1983);

**(G)** Department of Finance and Revenue (Commissioner’s Order 69-96);

**(H)** Fire and Emergency Medical Services Department (Reorganization Order 6);

**(I)** Department of Administrative Services (Reorganization Plan No. 5 of 1983);

**(J)** Department of Housing and Community Development (Reorganization Plan 3 of 1975);

**(K)** Repealed;

**(L)** Metropolitan Police force (§ [5-105.05](https://code.dccouncil.us/dc/council/code/sections/5-105.05.html));

**(M)** Department of Parks and Recreation (Organization Order 10);

**(N)** Department of Human Services (Reorganization Plan No. 2 of 1979 and Mayor’s Reorganization Plan No. 3 of 1986), including:

**(i)** The Commission on Social Services;

**(ii)** Repealed;

**(iii)** Repealed; and

**(iv)** Repealed;

**(O)** Department of Employment Services (Reorganization Plan No. 1 of 1980);

**(P)** Department of Consumer and Regulatory Affairs (Reorganization Plan No. 1 of 1983);

**(Q)** Homeland Security and Emergency Management Agency (Commissioner’s Order 74-261);

**(R)** Office of Human Rights;

**(S)** Office of Personnel (§ [1-604.02](https://code.dccouncil.us/dc/council/code/sections/1-604.02.html));

**(T)** Office on Latino Affairs (§ [2-1311](https://code.dccouncil.us/dc/council/code/sections/2-1311.html));

**(U)** Office on Aging (§ [7-503.01](https://code.dccouncil.us/dc/council/code/sections/7-503.01.html));

**(V)** Repealed;

**(W)** Board of Parole (Organization Order 6);

**(X)** Repealed;

**(Y)** Office of Business and Economic Development (§ [2-1201.02](https://code.dccouncil.us/dc/council/code/sections/2-1201.02.html));

**(Z)** Office of the Secretary of the District of Columbia (Mayor’s Order 84-77);

**(AA)** Office of Inspector General (§ [1-301.115a](https://code.dccouncil.us/dc/council/code/sections/1-301.115a.html));

**(BB)** Repealed;

**(CC)** Repealed;

**(DD)** Office of Cable Television and Telecommunications;

**(EE)** Repealed;

**(FF)** Repealed;

**(GG)** Repealed;

**(HH)** Office of the Budget (Mayor’s Order 79-5);

**(II)** Repealed;

**(JJ)** Repealed;

**(KK)** Repealed;

**(LL)** Commission on the Arts and Humanities;

**(MM)** Department of Health;

**(NN)** Office of Contracting and Procurement;

**(OO)** Repealed;

**(PP)** Department of Insurance, Securities, and Banking;

**(QQ)** Repealed;

**(QQ-i)** Department of General Services;

**(RR)** Office of the Chief Technology Officer;

**(SS)** Department of Motor Vehicles;

**(TT)** Office of Planning (Mayor’s Order 83-25);

**(UU)** Office of Local Business Development;

**(VV)** Office of Deputy Mayor for Planning and Economic Development;

**(WW)** Office of the Chief Medical Examiner;

**(XX)** Child and Family Services Agency;

**(YY)** Department of Mental Health;

**(ZZ)** District Department of Transportation;

**(AAA)** Office of Unified Communications;

**(BBB)** Department of Youth Rehabilitation Services;

**(CCC)** The Office of Risk Management, established by Reorganization Plan No. 1 of 2003;

**(DDD)** Department on Disability Services; and

**(EEE)** District of Columbia Public Schools.

**Section 402a**

**The Department of Human Resources shall develop partnerships with schools and organizations, including District of Columbia High Schools high schools and public charter high schools, adult education schools, and not-for-profit organizations, that prepare District residents for District high school diplomas or high school equivalency credentials, in order to foster employment applications from and the hiring of resident District graduates into District employment. These partnerships may include:**

1. **Establishing a human resources recruiting unit or dedicating personnel to recruit** **current and future resident District graduates to internships, apprenticeships, and full-time employment in District government.**
2. **A system for students to learn about and apply to District government apprenticeships and employment;**
3. **Paid internships in District government agencies;**
4. **Mentoring by District government employees;**
5. **Career exposure to a variety of District government jobs; and**
6. **Information on entry-level jobs, including how to prepare to be a qualified applicant** **and how to meet suitability requirements as outlined in Chapter 4 of Title 6-B of the District of Columbia Municipal Regulations (6-B DCMR § 400 *et seq.*).**

# § 1–608.01. Creation of Career Service.

**(a)** The Mayor shall issue rules and regulations governing employment, advancement, and retention in the Career Service which shall include all persons appointed to positions in the District government, except persons appointed to positions in the Excepted, Executive, Educational, Management Supervisory, or Legal Service. The Career Service shall also include, after January 1, 1980, all persons who are transferred into the Career Service pursuant to the provisions of subsection (c) of § [1-602.04](https://code.dccouncil.us/dc/council/code/sections/1-602.04.html). The rules and regulations governing Career Service employees shall be indexed and cross referenced to the incumbent classification system and shall provide for the following:

**(1)** A positive recruitment program designed to meet current and projected personnel needs;

**(2)** Open competition for initial appointment to the Career Service**; provided, that resident District graduates shall receive application priority as provided in subsection (b-1) of this section.**

**(3)** Examining procedures designed to achieve maximum objectivity, reliability, and validity through a practical assessment of attributes necessary to successful job performance and career development as provided in subchapter VII of this chapter;

**(4)** Appointments to be made on the basis of merit by selection from the highest qualified available eligibles based on specific job requirements, from appropriate lists established on the basis of the provisions of paragraphs (1), (2), and (3) of this subsection with appropriate regard for affirmative action goals and veterans preference as provided in subchapter VII of this chapter;

**(5)** Appointments made without time limitation in accordance with paragraph (4) of this subsection, as permanent Career Service status appointments upon satisfactory completion of a probationary period of at least 1 year;

**(6)** Temporary, term, and other time-limited appointments, in appropriate cases, which do not confer permanent status but are to be made, insofar as practicable, in accordance with paragraph (4) of this subsection, except that such appointments to positions at the DS-12 level or equivalent or below may be made non-competitively;

**(7)** Appointments to continuing positions (in the absence of lists of eligibles), which do not confer permanent status, subject to meeting minimum qualification standards and subject to termination as soon as lists of qualified eligibles for permanent appointment can be established in accordance with paragraph (4) of this subsection;

**(8)** Emergency appointments for not more than 30 days to provide for maintenance of essential services in situations of natural disaster or catastrophes where normal employment procedures are impracticable;

**(9)** Promotions of permanent employees, giving due consideration to demonstrated ability, quality, and length of service;

**(10)** Reinstatements, reassignments, and transfers of employees with permanent status;

**(11)** Establishment of programs, including trainee programs, designed to attract and utilize persons with minimal qualifications, but with potential for development, **with special emphasis on resident District graduates as provided in subsection (b-1) of this section,** in order to provide career development opportunities for members of disadvantaged groups, persons with disabilities, women, and other appropriate target groups. These programs may provide for permanent appointments to trainee or similar positions through competition limited to these persons;

**(12)** Reduction-in-force procedures, with:

**(A)** A prescribed order of separation based on tenure of appointment, length of service, including creditable federal and military service, District residency, veterans preference, and officially documented work performance;

**(B)** Priority reemployment consideration for employees separated;

**(C)** Consideration of job sharing and reduced hours; and

**(D)** Employee appeal rights; and

**(13)** Separations for cause, which shall be subject to the adverse action and appeal procedures provided for in subchapter XVI-A of this chapter.

**(b)** Selections to the Career Service shall be made in accordance with equal employment opportunity principles as set forth in subchapter VII of this chapter.

**(b-1)(1) For each entry-level job opening, a subordinate agency, or DCHR acting on behalf of the subordinate agency, shall:**

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

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

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

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

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

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

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

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

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

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

**(5) For the purposes of this subsection, the term “qualified” shall have the same meaning as the term in sections 809 through 810 of Title 6-B of the District of Columbia Municipal Regulations (6-B DCMR §§ 809-10), or subsequent regulations issued by the Mayor.**

 **(c)** Repealed.

**(d)** The Mayor may issue separate rules and regulations concerning the personnel system affecting members of the uniform services of the Police and Fire Departments which may provide for a probationary period of at least 1 year. Other such separate rules and regulations may only be issued to carry out provisions of this chapter which accord such member of the uniform services of the Police and Fire Departments separate treatment under this chapter. Such separate rules and regulations are not a bar to collective bargaining during the negotiation process between the Mayor and the recognized labor organizations for the Metropolitan Police and Fire Departments, but shall be within the parameters of § [1-617.08](https://code.dccouncil.us/dc/council/code/sections/1-617.08.html).

**(d-1)** For members of the Metropolitan Police Department and notwithstanding § [1-632.03](https://code.dccouncil.us/dc/council/code/sections/1-632.03.html)(a)(1)(B) or any other law or regulation, the Assistant Chiefs of Police, Deputy Chiefs of Police, and inspectors shall be selected from among the lieutenants and captains of the force and shall be returned to the same civil service rank when the Mayor so determines.

**(d-2)(1)** The Chief of Police shall recommend to the Director of Personnel criteria for Career Service promotions and Excepted Service appointments to the positions of Inspector, Commander, and Assistant Chief of Police that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Chief of Police shall review national standards, such as the Commission on Accreditation for Law Enforcement Agencies.

**(2)** All candidates for the positions of Inspector, Commander, and Assistant Chief of Police shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.

**(d-3)(1)** The Fire Chief shall recommend to the Mayor criteria for Career Service promotions and Excepted Service appointments to the positions of Battalion Fire Chief and Deputy Fire Chief that address the areas of education, experience, physical fitness, and psychological fitness. The recommended criteria shall be the same for Career Service promotions and Excepted Service appointments to these positions. When establishing the criteria, the Fire Chief shall review national standards, such as the National Fire Protection Association’s Standard on Fire Officer Professional Qualifications.

**(2)** All candidates for the positions of Battalion Fire Chief and Deputy Fire Chief shall be of good standing with no disciplinary action pending or administered resulting in more than a 14-day suspension or termination within the past 3 years.

**(e)(1)** Notwithstanding any provision of Unit A of Chapter 14 of Title 2, an applicant for District government employment in the Career Service who is a bona fide resident of the District at the time of application shall be given a 10-point hiring preference over a nonresident applicant unless the applicant declines the preference. This preference shall be in addition to, and not instead of, qualifications established for the position.

**(2)** An applicant claiming a hiring preference shall submit 8 proofs of bona fide residency in a manner determined by the Mayor. If hired, the employee shall agree in writing to maintain bona fide District residency for a period of 7 consecutive years from the effective date of hire and shall provide proof of bona fide residency annually to the director of personnel for the agency or instrumentality for the first 7 years of employment. Failure to maintain District residency for the consecutive 7-year period shall result in forfeiture of employment.

**(3)** Any individual hired under a previous residency law who was subject to a residency requirement shall be treated as if the individual claimed a preference and was hired pursuant to the Residency Preference Amendment Act of 1988 [[D.C. Law 7-203](https://code.dccouncil.us/dc/council/laws/7-203.html)].

**(4)** In reductions-in-force, a resident District employee shall be preferred for retention and reinstatement of employment over a non-resident District employee. For purposes of this paragraph only, a non-resident District employee hired prior to January 1, 1980, shall be considered a District resident. When the provisions of this paragraph conflict with an effective collective bargaining agreement, the terms of the collective bargaining agreement shall govern.

**(5)** A District employee hired in the Career Service prior to March 16, 1989, who elects to apply for a competitive promotion in the Career Service and to claim a preference, shall be bound by the provisions of paragraph (2) of this subsection.

**(6)** The Mayor shall, pursuant to subchapter I of Chapter 5 of Title 2, issue proposed rules to implement the preference system established by this subsection. The proposed rules shall be submitted to the Council no later than February 1, 1989, for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution within this 45-day review period, the proposed rules shall be deemed approved.

**(7)(A)** Except as provided in subparagraph (B), the Mayor may not require an individual to reside in the District of Columbia as a condition of employment in the Career Service.

**(B)** The Mayor shall provide notice to each employee in the Career Service of the provisions of this subsection that require an employee claiming a residency preference to maintain District residency for 7 consecutive years, and shall only apply such provisions with respect to employees claiming a residency preference on or after March 16, 1989.

**(e-1)(1)** Notwithstanding any provision of Chapter 14 of Title 2 [§ [2-1401.01](https://code.dccouncil.us/dc/council/code/sections/2-1401.01.html) et seq.], an applicant for District government employment in the Career Service shall be given a 10-point hiring preference if, at the time of application, the applicant:

**(A)** Is within 5 years of leaving foster care under the Child and Family Services Agency and is a resident of the District; or

**(B)(i)** Is currently in the foster care program administered by the Child and Family Services Agency; and

**(ii)** Is at least 18 years old and not more than 21 years old, regardless of residency.

**(2)** An applicant claiming a hiring preference pursuant to this subsection shall submit proof of eligibility for the preference by submitting to the hiring authority a letter or other document issued by the Child and Family Services Agency or the Family Court of the Superior Court of the District of Columbia showing that the applicant is or was in foster care or showing the date the applicant left court supervision.

**(3)** An applicant who receives a hiring preference pursuant to this subsection and who is a resident of the District shall remain eligible to receive any other preference available under this chapter in addition to the preference received pursuant to this subsection.

**(4)** For the purposes of this subsection, the term “foster care” shall have the same meaning as provided in § [4-342](https://code.dccouncil.us/dc/council/code/sections/4-342.html)(2).

**(5)** The Mayor, pursuant to subchapter I of Chapter 5 of Title 2 [§ [2-501](https://code.dccouncil.us/dc/council/code/sections/2-501.html) et seq.], shall issue rules to implement the provisions of this subsection. The proposed rules shall be submitted to the Council for a 30-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules by resolution within the 30-day review period, the proposed rules shall be deemed approved.

**(f)** Repealed.

**(g)(1)** Each subordinate agency head shall submit to the Mayor and the Council quarterly reports detailing the names of all new employees and their pay schedules, titles, and place of residence, **and whether, for entry-level positions, the new employee is a resident District graduate**. ~~The report shall explain the reasons for employment of non-District residents.~~

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

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

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

**Title X-C Government Apprenticeships**

**Sec. 1080. Definitions**

1. **“Apprentice” means an employee of a District agency who is employed in an apprenticeship program.**
2. **“Apprenticeable occupation” means an occupation title included in the most recent version of the U.S. Department of Labor’s List of Occupations Officially Recognized as Apprenticeable by the Office of Apprenticeship.**
3. **“Apprenticeship” means an employment position in the District government that is part of an apprenticeship program.**
4. **“Apprenticeship program” means an employment program in the District government established pursuant to this title, which combines on-the-job training with classroom instruction to prepare employees for a career in a particular occupation.**
5. **“Apprenticeship sponsor” means the entity responsible for registering an apprenticeship program with OAIT.**
6. **“DCHR” means the District of Columbia Department of Human Resources.**
7. **“DOES” means the Department of Employment Services.**
8. **“Host agency” means the District government agency that employs an apprentice.**
9. **“Life skills training” means age-appropriate, non-technical skills training that helps individuals succeed in the workplace and includes training on communication, time management, appropriate work attire, and conflict resolution, and education on workplace drug testing.**

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

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

**Sec. 1081. Establishment of District of Columbia Government Apprenticeship Initiative.**

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

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

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

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

 **(B) The Administrators shall identify apprenticeable occupations based on:**

**(i) Review of apprenticeable occupations within District agencies;**

**(ii) Consideration of previously open positions in District agencies; upcoming position openings; current permanent, term, and temporary positions; positions filled by outside contractors; and positions that could become apprenticeships if classified at a lower grade;**

**(iii) The business needs of potential host agencies; and**

**(iv) The long-term employment opportunities and earning potential of workers in the occupation, including outside the District government.**

 **(C) At least one of the identified apprenticeable occupations shall be in information technology and at least one shall be in healthcare.**

**(d)(1)(A) The Administrators shall submit a plan for creating and administering apprenticeship programs in the apprenticeable occupations identified pursuant to subsection (c) of this section to the Council within 180 days after the applicability date of the Pathways to District Government Careers Amendment Act of 2018, as approved by the Committee on Labor and Workforce Development on September 25, 2018 (Committee Print of Bill 22-777).**

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

**(i) The occupation covered by the apprenticeship program and the number of anticipated apprentices that will be employed in years 1, 2, and 3 of the Initiative;**

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

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

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

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

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

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

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

**Sec. 1082. Apprenticeship program requirements.**

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

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

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

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

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

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

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

**Sec. 1083. Positions for apprenticeships; apprentice eligibility and employment.**

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

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

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

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

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

**Sec. 1084. Reports to the Council.**

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

1. **A description of each established apprenticeship program, including:**

**(A) The names and roles of participating entities;**

**(B) The occupation covered;**

**(C) Position titles of apprentices;**

**(D) Apprentice grade levels and salary ranges;**

**(E) The number of total, new, and female apprentices, and the number of apprenticeship graduates in the previous year;**

**(F) Apprenticeship completion rates;**

**(G) Length of apprenticeships;**

**(H) Copies of curricula and training plans;**

**(I) The name of the entity providing the related technical instruction;**

**(J) The name of the entity providing the life skills training; and**

**(K) A breakdown of costs, including costs attributed to program staff, related technical instruction, and life skills training, broken down by entity and federal or local funding source; and**

**(2) Other information relevant to evaluating the implementation and progress of the Initiative.**

**(b) By October 1, 2021, DCHR shall provide to the Council a 3-year plan for the establishment of additional apprenticeship programs in apprenticeable occupations for which no apprenticeship program exists.**

**An Act To provide for voluntary apprenticeship in the District of Columbia**

**§ 32-1408.** **Apprenticeship agreements — contents.**

**(a)** Every apprenticeship agreement entered into pursuant to this subchapter shall contain:

(1) The names and signatures of the contracting parties, including the apprentice’s parent or guardian, if the apprentice is a minor, and the contact information of the program sponsor and the Registration Agency:

(2) The date of birth of the apprentice and the apprentice’s social security number, given on a voluntary basis;

(3) A statement of the craft or occupation that the apprentice is to be taught and the time period at which the apprenticeship will begin and end;

(4) A statement showing:

(A) The number of hours to be spent by the apprentice in on-the-job learning in a time-based program;

(B)(i) A description of the skill sets to be attained by completion of a competency-based program, including the on-the-job learning component; or

(ii) The minimum number of hours to be spent by the apprentice and a description of the skill sets to be attained by completion of a hybrid program; and

(C) Provisions for related and supplemental instruction;

(5) A statement setting forth a schedule of the processes in the occupation or industry division in which the apprentice is to be trained and the approximate time to be spent in each process;

(6) A statement of the graduated scale of wages to be paid the apprentice and whether the required school time shall be compensated;

(7) A statement providing for a period of probation without adverse impact on the sponsor during which time the apprenticeship agreement shall be terminated by the Associate Director of Apprenticeship at the request, in writing, of the apprentice or suspended or cancelled by the sponsor for good cause with due notice to the apprentice and a reasonable opportunity for corrective action with due notice to the Associate Director of Apprenticeship, and providing that after a probationary period, the apprenticeship may be cancelled by the Associate Director of Apprenticeship by mutual agreement of all parties or canceled by the Associate Director of Apprenticeship for good and sufficient reasons;

(8) Contact information (name, address, phone, and e-mail, if appropriate) of the person in the Registration Agency designated under the program to receive, process, and make disposition of a controversy of difference arising out of the apprenticeship agreement when the controversy or difference cannot be adjusted locally or resolved in accordance with the established procedure or applicable collective bargaining provisions;

(9) A provision that a sponsor who is unable to fulfill the obligations under the apprenticeship agreement may, with the approval of the Associate Director of Apprenticeship or under the direction of the joint trade apprenticeship committee or non-joint apprenticeship committee or individual sponsor, transfer the apprenticeship agreement to another sponsor; provided, that:

(A) The apprentice consents and that the other sponsor agrees to assume the obligations of the apprenticeship agreement;

(B) The transferring apprentice is provided a transcript of related instruction and on-the-job learning by the program sponsor;

(C) The transfer is to the same occupation; and

(D) A new apprenticeship agreement is executed when the transfer between program sponsors occurs; and

(10) Such additional terms and conditions as may be prescribed or approved by the Registration Agency with the advice and guidance of the Apprenticeship Council, if not inconsistent with the provisions of this subchapter.

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