



2013 SEP 16 AM 11:40

OFFICE OF THE
MAYOR

VINCENT C. GRAY
MAYOR

SEP 16 2013

The Honorable Phil Mendelson
Chairman, Council of the District of Columbia
John A. Wilson Building
1350 Pennsylvania Avenue, NW, Suite 504
Washington, DC 20004

Dear Chairman Mendelson:

Enclosed for consideration by the Council of the District of Columbia is the "Retired District Employee Annuity Amendment Act of 2013" (the "bill"). The purpose of the bill is to amend Section 1103(b) of The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.02(b) (2006 Repl.), and paragraph 5 of section 12(n) of The Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-723(e) (2008 Repl.), to revise the amount of salary that may be set off against any annuity due a re-employed District employee, to comply with federal law, namely the Federal Labor Standards Act ("FLSA").

This legislation will bring D.C. OFFICIAL CODE § 5-723(e) into compliance with federal law, while still permitting the District to set off the salary of a re-employed retired police officer or firefighter by the amount of his or her annuity to the extent allowed by law.

I urge you to take prompt and favorable action on the enclosed bill.

Sincerely,


Vincent C. Gray



Chairman Phil Mendelson
at the request of the Mayor

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978, Policemen and Firemen's Retirement and Disability Act, and An Act for retirement of public-school teachers in the District of Columbia to amend the amount of salary that may be set off against any annuity due a re-employed District employee, to comply with federal law.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Retired District Employee Annuity Amendment Act of 2013".

Sec. 2. Section 1103(b) of The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-611.02(b)), is amended to read as follows:

"(b) The pay of an individual receiving an annuity under any District government civilian retirement system selected for employment in the District government on or after January 1, 1980, shall be reduced by the amount of annuity allocable to the period of employment as a reemployed annuitant. No reduction shall be made to the pay of a reemployed individual for any retirement benefits received by the reemployed individual pursuant to 5 U.S.C. § 8331, sections 2603 through 2612, section 12(n) of An Act Making appropriations to provide for the expenses of the government of the District of Columbia for fiscal year ending June

34 thirtieth, nineteen hundred and seventeen, and for other purposes, approved September 1, 1916
35 (39 Stat. 718; D.C. Official Code § 5-723(e)), the Judges' Retirement Fund, established by the
36 District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; D.C.
37 Official Code § 1-714, or the Retired Police Officer Public Schools Security Personnel
38 Deployment Amendment Act of 1994. No salary subject to this reduction shall be reduced to
39 less than any applicable minimum wage set forth in 29 U.S.C. § 201 *et. seq.*, or any other
40 applicable federal minimum wage statute or regulation.”.

41 Sec. 3. Paragraph 5 of section 12(n) of The Policemen and Firemen's Retirement and
42 Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-723(e)), is
43 amended to read as follows:

44 “(5) Notwithstanding any other provision of District of Columbia law, the salary
45 of any annuitant who first becomes entitled to an annuity under this subchapter, after November
46 17, 1979, and who is subsequently employed by the government of the District of Columbia shall
47 be reduced by such amount as is necessary to provide that the sum of such annuitant's annuity
48 under this subchapter and compensation for such employment is equal to the salary otherwise
49 payable for the position held by such annuitant. No salary subject to this reduction shall be
50 reduced to less than any applicable minimum wage set forth in 29 U.S.C. § 201 *et. seq.*, or any
51 other applicable federal minimum wage statute or regulation. The provisions of this subsection
52 shall not apply to an annuitant employed by the District of Columbia government under the
53 Retired Police Officer Redeployment Amendment Act of 1992 or the Detective Adviser Act of
54 2004. The provisions of this subsection shall not apply to an annuitant employed by the D.C.
55 Public Schools under the Retired Police Officer Public Schools Security Personnel Deployment
56 Amendment Act of 1994.”.

57 Sec. 4. Section 25 of An Act for retirement of public-school teachers in the District of
58 Columbia” approved August 7, 1946 (60 Stat. 875; D.C. Official Code § 38-2061.01) is amended
59 to read as follows:

60 “Sec. 25. Notwithstanding any other provision of District of Columbia law, the salary of
61 any retired teacher who first becomes entitled to an annuity under this subchapter after
62 November 17, 1979, and who is subsequently employed by the government of the District of
63 Columbia shall be reduced by such amount as is necessary to provide that the sum of such
64 teacher’s annuity under part A of subchapter II of this chapter and compensation for such
65 employment is equal to the salary otherwise payable for the position held by such teacher. No
66 salary subject to this reduction shall be reduced to less than any applicable minimum wage set
67 forth in 29 U.S.C. § 201 *et. seq.*, or any other applicable federal minimum wage statute or
68 regulation.”.

69 Sec.5. Fiscal impact statement.

70 The Council adopts the attached fiscal impact statement as the fiscal impact statement
71 required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December
72 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(3)).

73 Sec. 6. Effective date.

74 This act shall take effect following approval by the Mayor (or in the event of veto by the
75 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as
76 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
77 24, 1973 (87 Stat. 813; D.C. Official Code §1-206.02(c)(1)), and publication in the District of
78 Columbia Register.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA
OFFICE OF THE ATTORNEY GENERAL



Legal Counsel Division



MEMORANDUM

TO: Lolita S. Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: May 20, 2013

SUBJECT: Legal Sufficiency Review of Draft Bill, the "Retired District Employee
Annuity Amendment Act of 2013"
(AE-13-247B)

This is to Certify that this Office has reviewed the above-referenced proposed legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.


Janet M. Robins