

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to establish partnerships between the Department of Human Resources and District public high schools to promote pathways to government employment, to provide District high school graduates who are District residents with consideration priority for entry-level government jobs, and to establish apprenticeships in District government employment; and to amend An Act To provide for voluntary apprenticeship in the District of Columbia to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Pathways to District Government Careers Amendment Act of 2018”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*), is amended as follows:

(a) Section 301 (D.C. Official Code § 1-603.01) is amended as follows:

(1) A new paragraph (7A) is added to read as follows:

“(7A) The term “entry-level” means a competitive District government position

that:

“(A) Requires 3 or fewer years of prior work experience; and

“(B) Does not require educational certification above a high school diploma or its equivalent.”.

(2) Paragraph (15A) is redesignated as paragraph (15B).

(3) A new paragraph (15A) is added to read as follows:

“(15A) The term “resident District graduate” means a 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.”.

(b) A new section 402a is added to read as follows:

“Sec. 402a. Pathway to government employment partnership program.

“The Department of Human Resources shall develop partnerships with schools and organizations, including District of Columbia Public Schools high schools and public charter high schools, adult education schools, and nonprofit organizations that prepare District residents for District high school diplomas or high school equivalency credentials, to foster employment applications from and the hiring of resident District graduates into District government 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 the District government;

“(2) A system for students to learn about and apply for 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 the suitability requirements outlined in Chapter 4 of Title 6-B of the District of Columbia Municipal Regulations (6-B DCMR § 400 *et seq.*)”.

(c) Section 801 (D.C. Official Code § 1-608.01) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is amended by striking the semicolon and inserting the phrase “; provided, that resident District graduates shall receive consideration priority as provided in subsection (b-1) of this section;” in its place.

(B) Paragraph (11) is amended by striking the phrase “development,” and inserting the phrase “development, with special emphasis on resident District graduates as provided in subsection (b-1) of this section,”.

(2) A new subsection (b-1) is added to read as follows:

“(b-1)(1) For each entry-level job opening, a subordinate agency, or the Department of Human Resources 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 provided in sections 809 through 810 of Title 6-B of the District of Columbia Municipal Regulations (6-B DCMR §§ 809-810), or subsequent regulations issued by the Mayor.”.

(3) Subsection (g) is amended to read as follows:

“(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.

“(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.

(d) A new Title X-C is added to read as follows:

“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) “Initiative” means the District of Columbia Government Apprenticeship Initiative established by section 1081.

“(10) “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.

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

“(12) “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) 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.

“(2) The Administrators shall identify apprenticeable occupations based on:

“(A) Review of apprenticeable occupations within District agencies;

“(B)(i) Consideration of previously open positions in District agencies;

“(ii) Upcoming position openings;

“(iii) Current permanent, term, and temporary positions;

“(iv) Positions filled by outside contractors; and

“(v) Positions that could become apprenticeships if classified at a lower grade;

“(C) The business needs of potential host agencies; and

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

“(3) 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, passed on 2nd reading on October 16, 2018 (Enrolled version 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, passed on 2nd reading on October 16, 2018 (Enrolled version 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 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; apprenticeship 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 title may be interpreted as requiring 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, passed on 2nd reading on October 16, 2018 (Enrolled version 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. 206; 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 Council.

“(a) By December 1, 2020, and each subsequent December 1, DCHR shall report to the Council on the 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.”.

Sec. 3. Section 8 of An Act To provide for voluntary apprenticeship in the District of Columbia, approved May 21, 1946 (60 Stat. 206; D.C. Official Code § 32-1408), is amended as follows:

(1) The lead-in language is designated as subsection (a).

(2) A new subsection (b) is added to read as follows:

“(b) Notwithstanding subsection (a) of this section, the terms of an apprenticeship agreement executed pursuant to the District of Columbia Government Apprenticeship Initiative, established by Title X-C of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, passed on 2nd reading on October 16, 2019 (Enrolled version 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(8) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, passed on 2nd reading on October 16, 2019 (Enrolled version of Bill 22-777).”.

Sec. 4. Applicability.

(a) This act shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in the approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

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(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 5. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 6. Effective date.

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

Chairman
Council of the District of Columbia

Mayor
District of Columbia