



2018 SEP 30 PM 9:07

OFFICE OF THE  
SECRETARY

MURIEL BOWSER  
MAYOR

OCT - 1 2018

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

OFFICE OF THE  
SECRETARY

2018 OCT - 1 PM 9:08

Dear Chairman Mendelson:

Enclosed for Council consideration, please find the “Fire and Emergency Medical Services Employee Presumptive Disability Civilian EMS Employees Technical Amendment Act of 2018.”

The Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012 (the “Presumptive Act”) amended the Police Medical Leave and Limited Duty Amendment Act of 2004 to create a presumption that certain diseases or conditions are associated with occupational duties of Fire and Emergency Medical Services Department personnel and that personnel diagnosed with such diseases or conditions are entitled to the same rights and benefits that accompany a performance-of-duty injury or occupational disease.

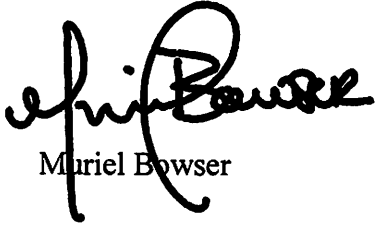
The Presumptive Act applies to sworn members of the Fire and Emergency Medical Services Department and EMS employees, as defined in the Presumptive Act, equally. When it was originally enacted, with reference to the EMS employees, the Presumptive Act erroneously referred in multiple places to the District of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code 32-1501 *et seq.*) as the source of coverage for an occupational disease suffered in the line of duty. The District of Columbia Workers’ Compensation Act of 1979 established a requirement imposed upon private sector employers to provide benefits for an injury or death resulting from a workplace injury. Employees of the District of Columbia government, including EMS employees, are provided similar benefits through 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.*), as amended.

The Presumptive Act should be amended to correct the erroneous reference to the private-sector workers’ compensation statute. This technical amendment will ensure that an EMS

employee who suffers a covered disease or condition will receive the benefits to which he or she is entitled without any question as to the authority under which that benefit is provided.

I urge the Council to take prompt and favorable consideration on this legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Muriel Bowser". The signature is written in a cursive, flowing style with a large initial "M".

Muriel Bowser



Chairman Phil Mendelson  
at the request of the Mayor

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4 A BILL

5

6 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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8 Chairman Phil Mendelson, at the request of the Mayor, introduced the following bill, which was  
9 referred to the Committee on \_\_\_\_\_.

10 To amend the Fire and Police Medical Leave and Limited Duty Amendment Act of 2004 to  
11 extend a presumption to civilian emergency medical services employees that certain  
12 diseases or conditions are associated with occupational duties of Fire and Emergency  
13 Medical Services Department personnel and that personnel diagnosed with such diseases  
14 or conditions are entitled to the same rights and benefits that accompany a performance-  
15 of-duty injury or occupational disease.

16 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may  
17 be cited as the “Fire and Emergency Medical Services Employee Presumptive Disability  
18 Civilian EMS Employees Technical Amendment Act of 2018.”

19 Sec. 2. Subtitle D of the Fire and Police Medical Leave and Limited Duty Amendment  
20 Act of 2004, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 *et seq.*), is  
21 amended as follows:

22 (a) Section 652(b) is amended by striking the phrase “the District of Columbia  
23 Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code  
24 § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government  
25 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.  
26 Official Code § 1-601.01 *et seq.*)” in its place; and

27           (b)     Section 653(b) is amended by striking the phrase “the District of Columbia  
28 Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code  
29 § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government  
30 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.  
31 Official Code § 1-601.01 *et seq.*)” in its place;

32           (c)     Section 654(b) is amended by striking the phrase “the District of Columbia  
33 Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code  
34 § 32-1501 *et seq.*)” and inserting the phrase “the District of Columbia Government  
35 Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C.  
36 Official Code § 1-601.01 *et seq.*)” in its place;

37           (d)     Sections 652(b)(2) is amended by striking the phrase “the EMS employee’s  
38 disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of  
39 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting  
40 the phrase “the EMS employee’s injury, as defined by section 2301(e) of the District of  
41 Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979  
42 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))” in its place.

43           (e)     Section 653(b)(3) is amended by striking the phrase “the EMS employee’s  
44 disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of  
45 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting  
46 the phrase “the EMS employee’s injury, as defined by section 2301(e) of the District of  
47 Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979  
48 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))” in its place; and

49 (f) Section 654(b)(3) is amended by striking the phrase “the EMS employee’s  
50 disability, as defined by section 2(8) of the District of Columbia Workers’ Compensation Act of  
51 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501(8))” and inserting  
52 the phrase “the EMS employee’s injury, as defined by section 2301(e) of the District of  
53 Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979  
54 (D.C. Law 2-139; D.C. Official Code § 1-623.01(5))” in its place.

55 Sec. 3. Fiscal impact statement.

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

59 Sec. 4. Effective date.

60 This act shall take effect following approval by the Mayor (or in the event of veto by the  
61 Mayor, action by the Council to override the veto, a 30-day period of congressional review as  
62 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
63 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
64 Columbia Register.


Government of the District of Columbia  
Office of the Chief Financial Officer



Jeffrey S. DeWitt  
Chief Financial Officer

**MEMORANDUM**

**TO:** The Honorable Phil Mendelson  
Chairman, Council of the District of Columbia

**FROM:** Jeffrey S. DeWitt  
Chief Financial Officer 

**DATE:** September 27, 2018

**SUBJECT:** Fiscal Impact Statement – Fire and Emergency Medical Services  
Employee Presumptive Disability Civilian EMS Employees Technical  
Amendment Act of 2018

**REFERENCE:** Draft Bill as shared with the Office of Revenue Analysis on September  
20, 2018

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**Conclusion**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill.

**Background**

In 2013, the District passed a presumptive disability law<sup>1</sup> to designate that the cancer, hypertension, heart disease, respiratory disease, and infectious diseases contracted by a sworn member or employee of the Fire and Emergency Medical Services (FEMS) Department are presumed to be a performance of duty illness, disability, or death. These members and employees must seek treatment for these presumed disabilities through the District's Police and Fire Clinic.

The bill amends the law to appropriately reference the District's Merit Personnel Act<sup>2</sup> when discussing the potential illnesses and disabilities for Emergency and Medical Services (EMS) employees. The current law erroneously references the District's Workers' Compensation Act<sup>3</sup> that governs private sector employers.

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<sup>1</sup> Fire and Emergency Medical Services Employee Presumptive Disability Amendment Act of 2012, effective May 1, 2013 (D.C. Law 19-311; D.C. Official Code § 5-651 et seq.).

<sup>2</sup> 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.).

<sup>3</sup> District of Columbia Workers' Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code § 32-1501 et seq.).

**The Honorable Phil Mendelson**

**FIS: "Fire and Emergency Medical Services Employee Presumptive Disability Civilian EMS Employees Technical Amendment Act of 2018," Draft Bill as shared with the Office of Revenue Analysis on September 20, 2018**

**Financial Plan Impact**

Funds are sufficient in the fiscal year 2019 through fiscal year 2022 budget and financial plan to implement the bill. The bill ensures that the illnesses contracted by EMS employees are covered under the appropriate legal framework. These changes are technical in nature and the bill has no cost.

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of the Attorney General



Legal Counsel Division

**MEMORANDUM**

**TO:** Alana Intrieri  
Director  
Office of Policy and Legislative Affairs

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

**DATE:** September 20, 2018

**RE:** Fire and Emergency Medical Services Employee Presumptive Disability  
Civilian EMS Employees Technical Amendment Act of 2018  
(AE-18-476)

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

  
Janet M. Robins