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Councilmember Brandon T. Todd

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7 A BILL  
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12 IN THE COUNCIL OF DISTRICT OF COLUMBIA  
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16 To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to  
17 provide for permanent total disability.  
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20 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this  
21 act may be cited as the “Public Sector Workers’ Compensation Permanent Total Disability  
22 Amendment Act of 2020”.  
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24 Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of  
25 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*) is  
26 amended as follows:

27 (a) The table of contents is amended by striking the phrase “SEC. 2307.

28 COMPENSATION SCHEDULE” and inserting the phrase “SEC. 2307. COMPENSATION  
29 FOR DISABILITY” in its place.

30 (b) Section 2307 (D.C. Official Code § 1-623.07) is amended as follows:

31 (1) The section heading is amended by striking the phrase “schedule.” and  
32 inserting the phrase “for disability.” in its place.

33 (2) Subsection (a)(1) is amended by striking the semicolon and inserting the  
34 phrase “; and” in its place.

35 (3) Subsection (a)(2) is amended by striking the phrase “; and” and inserting a  
36 period in its place.

37 (4) Subsection (a)(3) is repealed.

38 (5) A new subsection (a-1) is added to read as follows:

39        "(a-1) If the disability is permanent and total, the employee shall be entitled to disability  
40        monthly monetary compensation equal to 66 2/3 percent of the employee's monthly pay during  
41        the continuance thereof, which shall be known as the employee's basic compensation for  
42        permanent total disability. Permanent total disability shall be determined only if, as a result of  
43        the injury, the employee is unable to earn any wages in the same or other employment.".

(6) A new subsection (a-2) is added to read as follows:

45           “(a-2) Compensation provided pursuant to subsections (a) or (a-1) of this section shall be  
46    in addition to compensation for temporary total or temporary partial disability; provided that:

47                   “(1) A claimant who has received compensation for temporary total or temporary  
48 partial disability under this title shall be eligible for compensation payable under this section  
49 only after compensation for the temporary total or temporary partial disability has ceased;

50                   “(2) A claimant shall not receive any further compensation for a single injury for  
51 temporary total or temporary partial disability after receiving compensation for the injury under  
52 this section; and

53                   “(3) A claimant shall not be entitled to receive multiple awards of compensation  
54                   under this section for the same permanent disability, but shall only be entitled to receive one  
55                   award of compensation payable under this section per permanent disability.”.

56 (c) Section 2316(a)(4) (D.C. Official Code § 1-623.16(a)(4)) is amended by striking the  
57 phrase “for scheduled disabilities specified by subsection (c) of section 2307 of this title” and  
58 inserting the phrase “under section 2307 of this title” in its place.

59 Sec. 3. Fiscal impact statement.

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

63 Sec. 4. Effective date.

64 This act shall take effect following approval by the Mayor (or in the event of veto by the  
65 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
66 provided in sections 602(c)(1) of the District of Columbia Home Rule Act, approved December  
67 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
68 Columbia Register.