

217.FM

Councilmember Brandon T. Todd

A BILL

IN THE COUNCIL OF DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for permanent total disability.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Sector Workers' Compensation Permanent Total Disability Amendment Act of 2020".

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) The table of contents is amended by striking the phrase "SEC. 2307. COMPENSATION SCHEDULE" and inserting the phrase "SEC. 2307. COMPENSATION FOR DISABILITY" in its place.

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

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

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

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

(4) Subsection (a)(3) is repealed.

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

“(a-1) If the disability is permanent and total, the employee shall be entitled to disability monthly monetary compensation equal to 66 2/3 percent of the employee’s monthly pay during the continuance thereof, which shall be known as the employee’s basic compensation for permanent total disability. Permanent total disability shall be determined only if, as a result of 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:

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

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

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

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

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

Sec. 3. Fiscal impact statement.

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

Sec. 4. 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 sections 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.