



District of Columbia

REGISTER

HIGHLIGHTS

- DC Council passes Law 20-63, Cottage Food Amendment Act of 2013
- DC Council schedules a public hearing on Bill 20-679, Homeless Services Reform Amendment Act of 2014
- DC Council schedules a public oversight roundtable on sustainable food policy in the District
- DC Housing Authority updates policies for the Achieving Your Best Life Rewards Property Program
- Office of the State Superintendent of Education announces funding availability for the Teacher Quality Improvement (TQI) Grant
- Board of Elections releases voter registration statistics as of January 31, 2014

DISTRICT OF COLUMBIA REGISTER

Publication Authority and Policy

The District of Columbia Office of Documents and Administrative Issuances (ODAI) publishes the *District of Columbia Register* (ISSN 0419-439X) (*D.C. Register*) every Friday under the authority of the *District of Columbia Documents Act*, D.C. Law 2-153, effective March 6, 1979 (25 DCR 6960). The policies which govern the publication of the *D.C. Register* are set forth in Title 1 of the District of Columbia Municipal Regulations, Chapter 3 (Rules of the Office of Documents and Administrative Issuances.) Copies of the Rules may be obtained from the Office of Documents and Administrative Issuances. Rulemaking documents are also subject to the requirements of the *District of Columbia Administrative Procedure Act*, District of Columbia Official Code, §§2-501 *et seq.*, as amended.

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Legal Effect of Publication - Certification

Except in the case of emergency rules, no rule or document of general applicability and legal effect shall become effective until it is published in the *D.C. Register*. Publication creates a rebuttable legal presumption that a document has been duly issued, prescribed, adopted, or enacted and that the document complies with the requirements of the *District of Columbia Documents Act* and the *District of Columbia Administrative Procedure Act*. The Administrator of the Office of Documents hereby certifies that this issue of the *D.C. Register* contains all documents required to be published under the provisions of the *District of Columbia Documents Act*.

DISTRICT OF COLUMBIA OFFICE OF DOCUMENTS AND ADMINISTRATIVE ISSUANCES

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COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-62****“Driver’s Safety Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-275 on first and second readings July 10, 2013 and November 5, 2013, respectively. Following the signature of the Mayor on November 18, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-211 and was published in the November 22, 2013 edition of the D.C. Register (Vol. 60, page 16026). Act 20-211 was transmitted to Congress on November 21, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-211 is now D.C. Law 20-62, effective January 17, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Nov. 21,22

Dec. 2,3,4,5,6,9,10,11,12,13,16,17,18,19,20,23,24,26

Jan. 3,6,7,8,9,10,13,14,15,16

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-63****“Cottage Food Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-168 on first and second readings October 1, 2013 and November 5, 2013, respectively. Following the signature of the Mayor on November 26, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-219 and was published in the December 6, 2013 edition of the D.C. Register (Vol. 60, page 16530). Act 20-219 was transmitted to Congress on December 5, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-219 is now D.C. Law 20-63, effective January 25, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Dec. 5,6,9,10,11,12,13,16,17,18,19,20,23,24,26

Jan. 3,6,7,8,9,10,13,14,15,16,17,21,22,23,24

COUNCIL OF THE DISTRICT OF COLUMBIA**NOTICE****D.C. LAW 20-64****“Trauma Technologists Licensure Amendment Act of 2013”**

Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-232 on first and second readings October 1, 2013 and November 5, 2013, respectively. Following the signature of the Mayor on November 26, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-220 and was published in the December 6, 2013 edition of the D.C. Register (Vol. 60, page 16533). Act 20-220 was transmitted to Congress on December 5, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-220 is now D.C. Law 20-64, effective January 25, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Dec. 5,6,9,10,11,12,13,16,17,18,19,20,23,24,26

Jan. 3,6,7,8,9,10,13,14,15,16,17,21,22,23,24

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Pursuant to Section 412 of the District of Columbia Home Rule Act, P.L. 93-198 (the Charter), the Council of the District of Columbia adopted Bill 20-499 on first and second readings October 1, 2013 and November 5, 2013, respectively. Following the signature of the Mayor on November 26, 2013, pursuant to Section 404(e) of the Charter, the bill became Act 20-221 and was published in the December 6, 2013 edition of the D.C. Register (Vol. 60, page 16538). Act 20-221 was transmitted to Congress on December 5, 2013 for a 30-day review, in accordance with Section 602(c)(1) of the Home Rule Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional review period has ended, and Act 20-221 is now D.C. Law 20-65, effective January 25, 2014.



PHIL MENDELSON
Chairman of the Council

Days Counted During the 30-day Congressional Review Period:

Dec. 5,6,9,10,11,12,13,16,17,18,19,20,23,24,26

Jan. 3,6,7,8,9,10,13,14,15,16,17,21,22,23,24

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-157

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2014

To recognize and honor Phi Beta Sigma Fraternity, Incorporated on the occasion of its centennial celebration.

WHEREAS, on January 9, 1914, A. Langston Taylor, Leonard F. Morse, and Charles I. Brown founded Phi Beta Sigma on the campus of Howard University in Washington, D.C.;

WHEREAS, over 150,000 members have been initiated into Phi Beta Sigma Fraternity, Incorporated;

WHEREAS, Phi Beta Sigma Fraternity has over 700 chapters in the United States, Africa, Europe, Asia, and the Caribbean;

WHEREAS, the motto of Phi Beta Sigma Fraternity is *Culture for Service, Service for Humanity*;

WHEREAS, Phi Beta Sigma Fraternity is a member of the National Pan Hellenic Council;

WHEREAS, Jonathan Mason is the International President of Phi Beta Sigma Fraternity, Incorporated;

WHEREAS, Zeta Phi Beta Sorority, founded in 1920 with the assistance of Phi Beta Sigma, is the sister organization of the Fraternity;

WHEREAS, Phi Beta Sigma Fraternity's partnerships with the American Cancer Society, March of Dimes, Center for Disease Control and Prevention, Boy Scouts of America, and the Thurgood Marshall College Fund speaks to its mission to address societal ills, including health disparities and educational and developmental opportunities for young males;

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WHEREAS, Phi Beta Sigma Fraternity’s 5 main social action programs are Project Vote, Sigma Wellness, Sigma Presence on Capitol Hill, and projects S.W.W.A.C. (Sigmas Waging War Against Cancer) & S.A.T.A.P.P. (Sigmas Against Teen-Age Pregnancy Plus);

WHEREAS, members of Phi Beta Sigma Fraternity are and have been well respected in the fields of politics, medicine, business, education, fine arts, civil rights, and sports;

WHEREAS, former and current members of Phi Beta Sigma Fraternity include Congressman John Lewis, A. Phillip Randolph, former Ghana President Kwame Nkrumah, former Congressman Edolphus Towns, former Chicago Mayor Harold Washington, Carter G. Woodson, and Alain Locke; and

WHEREAS, the headquarters of Phi Beta Sigma Fraternity is located at 145 Kennedy Street, N.W., in Ward 4.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Phi Beta Sigma Fraternity, Incorporated Centennial Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors Phi Beta Sigma Fraternity, Incorporated and its members for their dedication and commitment to the social good.

Sec. 3. This resolution shall take effect immediately upon first date of publication of the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-158

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2014

To celebrate the inaugural ceremony of the District of Columbia's famous groundhog weatherman, Potomac Phil, as he delivers his unprecedented forecast on February 2, 2014, and to declare that date as "D.C. Groundhog Day" in the District of Columbia.

WHEREAS, District of Columbia residents and visitors will be enlightened with the knowledge of Potomac Phil's internal power of weather prediction;

WHEREAS, on February 2, 2014, citizens of the District of Columbia will be educated on the American folklore tradition of Groundhog Day at the Dupont Festival; and

WHEREAS, hundreds of individuals in and around Dupont Circle during the morning of February 2, 2014, will be elucidated by Potomac Phil.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "D.C. Groundhog Day Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia hereby declares February 2, 2014, as "D.C. Groundhog Day" in the nation's capital.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-159

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2014

To recognize the Chinese community in the District of Columbia for its generous and valued contributions to the social, cultural, and political life of the city, to honor the Chinese Consolidated Benevolent Association for its sponsorship of the parade to celebrate the Year of the Horse, and to declare February 2, 2014, as “Chinese Lunar New Year 4712, Year of the Horse Day” in the District of Columbia.

WHEREAS, Chinese people have lived in the District of Columbia as a community since 1884, when nearly 100 immigrants settled near 3rd Street and Pennsylvania Avenue, N.W., and remained until 1935 when the settlement area moved to its current location along H Street, N.W., which is commonly known as “Chinatown”;

WHEREAS, today there are more than 40 Chinese businesses and some 1,000 Chinese residents in Chinatown, which serves as the center of health care, dining, and shopping for the 40,000 Chinese residents in the Washington, D.C. metropolitan area;

WHEREAS, Chinatown is a unique cultural and social center for the District, providing visitors with a taste of Chinese culture;

WHEREAS, the District of Columbia’s commitment to the Chinese community continues as the government strives to improve services for the Chinese community through the establishment of the Office on Asian and Pacific Islander Affairs, the Metropolitan Police Department’s Asian Liaison Unit in Chinatown, and the Chinatown Community Cultural Center, which we salute;

WHEREAS, thousands of District of Columbia residents will gather along H and 7th Streets, N.W., on Sunday, February 2, 2014, to enjoy the dragon-led parade and celebrate the Chinese Lunar New Year;

WHEREAS, the annual anniversary celebration and parade for the Chinese Lunar New Year, sponsored by the Chinese Consolidated Benevolent Association, is nationally known as one of the finest celebrations of color, art, and pageantry; and

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WHEREAS, the Chinese Community welcomes our neighbors, the Verizon Center, the Convention Center, Gallery Place, and many others, whose partnerships promote and enhance the economic, social, and cultural opportunities for the residents of Washington, D.C., to achieve the vision and objectives set forth in the Downtown Comprehensive Plan for a living downtown.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Chinese Lunar New Year 4712, Year of the Horse Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia salutes the Chinese community of the District of Columbia and the Chinese Consolidated Benevolent Association for its many contributions to the social, economic, cultural and political life of the city, honors the Chinese Consolidated Benevolent Association for its sponsorship of the parade to celebrate the Chinese New Year, and declares February 2, 2014, as "Chinese Lunar New Year 4712, Year of the Horse Day" in the District of Columbia.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-160

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2014

To honor Gallaudet University, the nation's premiere institution of higher education for deaf and hard-of-hearing people, on the occasion of its 150th anniversary and to recognize the university's unparalleled impact on higher education.

WHEREAS, in 1856, philanthropist and former postmaster general Amos Kendall donated land on his estate in northeast Washington, D.C. for a place to educate the city's deaf youth, and, 8 years later, President Abraham Lincoln signed a bill authorized by the U.S. Congress for the institution to grant college degrees;

WHEREAS, theology graduate Thomas Hopkins Gallaudet was inspired to dedicate his life to educating deaf people after tutoring Alice Cogswell, a 9-year-old deaf neighbor, and traveled to France, where he learned a manual communication method of instruction developed by renowned French educators Abbe Sicard, Laurent Clerc, and Jean Massieu;

WHEREAS, upon returning to the United States, Gallaudet established the American School for the Deaf, the nation's first permanent school for deaf children, in Hartford, Connecticut;

WHEREAS, in 1857, Gallaudet's youngest son, Edward Miner Gallaudet, took up his father's cause when he and his deaf mother, Sophia Fowler Gallaudet, were invited by Kendall to run the newly established Columbia Institution for the Instruction of the Deaf and Dumb and the Blind in Washington, D.C., and with Kendall's resources and Gallaudet's leadership and vision, the fledgling school grew and flourished, expanding to provide instruction for aspiring teachers of the deaf and to become the world's first—and today retains the status of the only—institution of higher education devoted to deaf and hard-of-hearing students, and to hearing students who pursue careers as professionals serving the deaf community;

WHEREAS, in 1969, President Lyndon Johnson signed the Model Secondary School for the Deaf Act ("MSSD"), and the Secretary of the U.S. Department of Health, Education and Welfare and Gallaudet President Leonard Elstad signed an agreement authorizing the establishment and operation of the MSSD on the Gallaudet campus.

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WHEREAS, in 1970, President Richard Nixon signed a bill to authorize the establishment of Kendall Demonstration Elementary School, (along with MSSD, a component of Gallaudet's Laurent Clerc National Deaf Education Center), devoted to the creation and dissemination of educational opportunities for deaf students nationwide;

WHEREAS, by an act of the U.S. Congress, Gallaudet was granted university status in October 1986, and in March 1988 the Deaf President Now (“DPN”) movement led to the appointment of the university's first deaf president, Dr. I. King Jordan, and the Board of Trustees' first deaf chair, Philip Bravin;

WHEREAS, DPN has become synonymous with self-determination and empowerment for deaf and hard-of-hearing people everywhere;

WHEREAS, in the 1990s, a generous contribution from the W.K. Kellogg Foundation enabled the university to construct the Kellogg Conference Hotel at Gallaudet University, which has become a popular venue for meetings, seminars, receptions, and Ward 5 community events;

WHEREAS, the new millennium has brought events such as the Deaf Way II festival, the opening of the technology-rich I. King Jordan Student Academic Center, and the James Lee Sorenson Language and Communication Center—a unique facility that provides an inclusive learning environment compatible with the visu-centric "deaf way of being”;

WHEREAS, Gallaudet's undergraduate students can choose from more than 40 majors leading to bachelor of arts or bachelor of science degrees, and students can enroll in graduate and certificate programs, leading to master of arts, master of science, doctoral, and specialist degrees in a variety of fields involving professional service to deaf and hard-of-hearing people;

WHEREAS, through the University Career center, students receive internships that provide a wealth of experiential learning opportunities, including placements in Council of the District of Columbia offices;

WHEREAS, today Gallaudet is viewed by deaf and hearing people alike as a primary resource for all things related to deaf and hard-of-hearing people, including educational and career opportunities; open communication and visual learning; deaf history and culture; American Sign Language; and the impact of technology on the deaf community;

WHEREAS, among other accomplishments, the Gallaudet Bison finished the 2013 season with a 9-2 record and a 6-1 mark in Eastern Collegiate Football Conference (“ECFC”) play, won their first ECFC championship since the conference formed in 2009, won 9 games to start the season (the best start to a season in the program’s history), carried an 11-game winning streak (the longest in team history) into the final game of the regular season, and the

ENROLLED ORIGINAL

Entertainment and Sports Programing Network also featured their accomplishments on SportsCenter;

WHEREAS, Gallaudet's 150th year theme is "Gallaudet University: Celebrating 150 Years of Visionary Leadership", and this theme will guide decisions on all activities planned in recognition of Gallaudet University's sesquicentennial; and

WHEREAS, Gallaudet's anniversary goals are as follows: to honor its years of academic excellence and use this milestone to launch new initiatives, discussions, and partnerships leading the university forward; to emphasize that Gallaudet is first and foremost a university in which academic discourse plays a central role; to recognize the university's unique place in deaf history; to acknowledge and celebrate both the continuity and the change the campus has seen, including Gallaudet University's progression towards greater diversity of people and ideas; to demonstrate Gallaudet's impact on the world and underscore the university's leadership role on the local, national, and international level; and to highlight the continuous support of Gallaudet's alumni and collaborations with the Gallaudet University Alumni Association.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Gallaudet University 150th Anniversary Recognition Resolution of 2014".

Sec. 2. The Council of the District of Columbia recognizes and honors Gallaudet University on the occasion of its 150th anniversary and its unwavering commitment to educational excellence.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

ENROLLED ORIGINAL

A CEREMONIAL RESOLUTION

20-161

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

January 7, 2014

To honor Stanley K. Williams on the occasion of his retirement and to recognize his extensive career in veteran’s affairs and employment services in the District of Columbia.

WHEREAS, Stanley K. Williams served in various positions at the District of Columbia Department of Employment Services, including local employment representative, One-Stop Employment manager, manager for the Unemployment Compensation and Employment Program, and acting associate director for Field Operations;

WHEREAS, Stanley K. Williams is currently the Director of the Veterans’ Employment Training Service at the United States Department of Labor;

WHEREAS, Stanley K. Williams has oversight over all employment and training programs funded by the Veterans’ Employment and Training Service/United States Department of Labor in the District of Columbia;

WHEREAS, Stanley K. Williams monitors the Transition Assistance Program – a program assisting service members separated from the military – at Walter Reed Army Medical Center, Anacostia Naval Annex, and Bolling Air Force Base;

WHEREAS, Stanley K. Williams also oversees 4 homeless veterans reintegration programs that serve homeless veterans seeking employment and training opportunities in the District;

WHEREAS, Stanley K. Williams conducts investigations relative to veteran complaints under the Uniformed Services Employment and Reemployment Act of 1994 and the Veterans Employment Opportunities Act of 1998;

WHEREAS, Stanley K. Williams provides employment rights briefings for the National Guard and Reserve Units deploying and returning from Afghanistan and Iraq;

WHEREAS, Stanley K. Williams also started a special employment initiative called REALife Lines at Walter Reed Army Medical Center to assist severely wounded veterans with employment opportunities before returning to their home state;

ENROLLED ORIGINAL

WHEREAS, Stanley K. Williams has an extensive track record of community involvement including his election as the first Chairman of the Mt. Pleasant Advisory Neighborhood Commission, serving on the D.C. Private Industry Council, severing on the Mayor Walter Washington’s Advisory Council on Transportation, and serving as a Trustee and Deacon at Shiloh Baptist Church;

WHEREAS, Stanley K. Williams is currently the vice chairman of the D.C. Hall of Fame, an executive board member for the D. C. National Guard’s Employer Support for the Guard the and Reserves, a member of the Board of Directors for the Woodridge Warriors Youth Organization, an advisor to the Young Women’s League, and a member of the board of directors for the Henry C. Gregory, III Family Life Center;

WHEREAS, Stanley K. Williams is a member of the American Legion, American Veterans, Association for the Study of African American Life and History, and the Shaw University Alumni Association; and

WHEREAS, Stanley K. Williams is married to the former Judy Chichester, and they are proud residents of the District of Columbia and proud parents of 2 children.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Stanley K. Williams Retirement Recognition Resolution of 2014”.

Sec. 2. The Council of the District of Columbia recognizes and honors Stanley K. Williams on the occasion of his retirement and for his notable career in Veterans Affairs and Employment Services in the District.

Sec. 3. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.

COUNCIL OF THE DISTRICT OF COLUMBIA
NOTICE OF INTENT TO ACT ON NEW LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to consider the following legislative matters for final Council action in not less than **15 days**. Referrals of legislation to various committees of the Council are listed below and are subject to change at the legislative meeting immediately following or coinciding with the date of introduction. It is also noted that legislation may be co-sponsored by other Councilmembers after its introduction.

Interested persons wishing to comment may do so in writing addressed to Nyasha Smith, Secretary to the Council, 1350 Pennsylvania Avenue, NW, Room 5, Washington, D.C. 20004. Copies of bills and proposed resolutions are available in the Legislative Services Division, 1350 Pennsylvania Avenue, NW, Room 10, Washington, D.C. 20004 Telephone: 724-8050 or online at www.dccouncil.us.

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COUNCIL OF THE DISTRICT OF COLUMBIA	PROPOSED LEGISLATION
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BILLS

- | | |
|---------|--|
| B20-677 | <p>D.C. Urban Farming and Food Security Act of 2014</p> <p>Intro. 02-04-14 by Councilmembers Grosso, Wells and Cheh and referred sequentially to the Committee on Finance and Revenue and the Committee of the Whole</p> |
|---------|--|
- | | |
|---------|--|
| B20-683 | <p>Zion Baptist Church Way Designation Act of 2014</p> <p>Intro. 02-10-14 by Councilmember Bowser and referred to the Committee of the Whole</p> |
|---------|--|
- | | |
|---------|--|
| B20-684 | <p>Closing of a Portion of the Public Alley System in Square 368, S.O. 13-09586, Act of 2014</p> <p>Intro. 02-10-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee of the Whole</p> |
|---------|--|
- | | |
|---------|---|
| B20-685 | <p>Criminal Penalties for the Theft of Newspapers Act of 2014</p> <p>Intro. 02-06-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Judiciary and Public Safety</p> |
|---------|---|

PROPOSED RESOLUTIONS

- PR20-652 Public Charter School Board Enrique Cruz Confirmation Resolution of 2014
- Intro. 02-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Education
-
- PR20-653 Board of Medicine Treasure Johnson Confirmation Resolution of 2014
- Intro. 02-07-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Health
-
- PR20-654 District of Columbia Housing Authority Board of Commissioners Pedro Alfonso Confirmation Resolution of 2014
- Intro. 02-12-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development
-
- PR20-655 District of Columbia Housing Authority Board of Commissioners Moses Clarence Mobley Confirmation Resolution of 2014
- Intro. 02-12-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development
-
- PR20-656 Southwest Waterfront Land Disposition Agreement Amendment Approval Resolution of 2014
- Intro. 02-14-14 by Chairman Mendelson at the request of the Mayor and referred to the Committee on Economic Development
-
- PR20-657 Sense of the Council in Support of DC Water's Long Term Control Plan Modification to include Green Infrastructure Resolution of 2014
- Intro. 02-18-14 by Councilmember Cheh and retained by the Council
-

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC HEARING ON

**Bill 20-620, the Free Transportation for Summer Youth Amendment Act of 2013
Bill 20-670, the District of Columbia Coding Camps for Kids Act of 2014**

Monday, March 17, 2014
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 17, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public hearing on Bill 20-620, the Free Transportation for Summer Youth Amendment Act of 2013, and Bill 20-670, the District of Columbia Coding Camps for Kids Act of 2014. The hearing will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Bill 20-620 would provide free Metrobus and DC Circulator transportation to participants in the Summer Youth Employment Program. Bill 20-670 would require the Department of Parks and Recreation to offer summer camps related to computer science.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on March 31, 2014.

**Council of the District of Columbia
Committee on Finance and Revenue
Notice of Public Hearing**

John A. Wilson Building, 1350 Pennsylvania Avenue, N.W. Washington, D.C. 20004

**COUNCILMEMBER JACK EVANS, CHAIR
COMMITTEE ON FINANCE AND REVENUE**

ANNOUNCES A PUBLIC HEARING ON:

Bill 20-639, the “DC Business Improvement District Economic Development Act of 2014”

Wednesday, March 12, 2014

10:00 a.m.

Room 120 - John A. Wilson Building

1350 Pennsylvania Avenue, NW; Washington, D.C. 20004

Councilmember Jack Evans, Chairman of the Committee on Finance and Revenue, announces a public hearing to be held on Wednesday, March 12, 2014 at 10:00 a.m., in Room 120 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004.

Bill 20-639, the “DC Business Improvement District Economic Development Act of 2014” as introduced would amend the Business Improvement Districts Act of 1996 to provide for the creation of Business Improvement Districts in Wards 7 and 8.

The Committee invites the public to testify at the hearing. Those who wish to testify should contact Sarina Loy, Committee Assistant at (202) 724-8058 or sloy@dccouncil.us, and provide your name, organizational affiliation (if any), and title with the organization by 10:00 a.m. on Tuesday, March 11, 2014. Witnesses should bring 15 copies of their written testimony to the hearing. The Committee allows individuals 3 minutes to provide oral testimony in order to permit each witness an opportunity to be heard. Additional written statements are encouraged and will be made part of the official record. Written statements may be submitted by e-mail to sloy@dccouncil.us or mailed to: Council of the District of Columbia; 1350 Pennsylvania Ave., N.W.; Suite 114; Washington D.C. 20004.

Council of the District of Columbia
Committee on Human Services
NOTICE OF PUBLIC HEARING
1350 Pennsylvania Avenue, N.W., Washington, D.C. 20004

**THE COMMITTEE ON HUMAN SERVICES
JIM GRAHAM, CHAIRPERSON**

ANNOUNCES A PUBLIC HEARING ON

BILL 20-679, THE “HOMELESS SERVICES REFORM AMENDMENT ACT OF 2014”

THURSDAY, MARCH 13, 2014 AT 11:00 A.M.

**ROOM 500
THE JOHN A. WILSON BUILDING
1350 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, D.C. 20004**

Councilmember Jim Graham, Chairperson of the Committee on Human Services, announces a Public Hearing on Bill 20-679, the “Homeless Services Reform Amendment Act of 2014.” The hearing will be held on Thursday, March 13, 2014 at 11:00 a.m. in Room 500 of the John A. Wilson Building.

Bill 20-607 would amend the Homeless Services Reform Act of 2005 to require that the Department of Human Services fill all locally-budgeted, uncommitted Permanent Supportive Housing Program placements that are made available through attrition within 60 days from the day the placement becomes uncommitted.

Those who wish to testify should contact Mr. Malcolm Cameron of the Committee on Human Services by e-mail at mcameron@dccouncil.us or by telephone at (202) 724-8191 by January 27, 2014. E-mail contacts to Mr. Cameron should include the residential ward, full name, title, and affiliation -- if applicable -- of the person(s) testifying. Witnesses should bring 15 copies of their written testimony to the hearing. Witnesses representing an organization should limit their testimony to five minutes; individual witnesses will have three minutes.

If you are unable to testify at the hearing, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to the Committee on Human Services, 1350 Pennsylvania Avenue, N.W., Room 116, Washington, D.C. 20004, no later than 5:30 p.m., March 23, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON
Benchmarking and Energy Use in Existing Buildings in the District

Thursday, April 3, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, April 3, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the District's benchmarking results and energy use in existing buildings in the District. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The purpose of this roundtable is to hear the results of recently reported building energy benchmarking data and to receive proposals for how that data and complementary policies might be used to improve the energy consumption of District buildings. Existing buildings account for well over half of the District's greenhouse gas emissions, and April 1, 2014, is the reporting deadline for the last segment of buildings subject to the benchmarking requirements of the Clean and Affordable Energy Act of 2008. The District Department of the Environment is responsible for collecting the benchmarking data and will testify at the roundtable.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on April 17, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON
The Department of Parks and Recreation's Permitting Program

Thursday, March 20, 2014
at 11:00 a.m.
in Room 500 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Thursday, March 20, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the Department of Parks and Recreation's permitting program. The Roundtable will begin at 11:00 a.m. in Room 500 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

The Department of Parks and Recreation issues permits for the use of 116 athletic fields and dozens of other recreation centers and facilities. In October 2013, Councilmember Cheh convened a task force of stakeholders and community leaders to review the agency's permitting process and make recommendations for improvement. The purpose of this Roundtable is to receive the task force's report and discuss permitting at the agency.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on April 3, 2014.

COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON TRANSPORTATION & THE ENVIRONMENT
MARY M. CHEH, CHAIR

NOTICE OF PUBLIC OVERSIGHT ROUNDTABLE ON

Sustainable Food Policy in the District

Monday, March 24, 2014
at 11:00 a.m.
in Room 412 of the
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Washington, DC 20004

On Monday, March 24, 2014, Councilmember Mary M. Cheh, Chairperson of the Committee on the Transportation and the Environment, will hold a public oversight roundtable on the Department of Parks and Recreation's permitting program. The Roundtable will begin at 11:00 a.m. in Room 412 of the John A. Wilson Building, 1350 Pennsylvania Avenue, N.W.

Last year, the Mayor and the District Department of the Environment released the Sustainable DC Plan. In addition to many other environmental topics, the plan examined food policy and included 3 food-related goals and 17 food-related action items. The full plan can be found online at <http://sustainable.dc.gov/finalplan>. The purpose of this Roundtable is to discuss the status of this plan and related food policy issues.

The Committee invites the public to testify or to submit written testimony, which will be made a part of the official Hearing Record. Anyone wishing to testify should contact Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, at (202) 724-8062 or via e-mail at abenjamin@dccouncil.us. Persons representing organizations will have five minutes to present their testimony. Individuals will have three minutes to present their testimony. Witnesses should bring 8 copies of their written testimony and should submit a copy of their testimony electronically to abenjamin@dccouncil.us.

If you are unable to testify in person, written statements are encouraged and will be made a part of the official record. Copies of written statements should be submitted to Ms. Aukima Benjamin, staff assistant to the Committee on Transportation and the Environment, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Suite 108, Washington, D.C. 20004. They may also be e-mailed to abenjamin@dccouncil.us or faxed to (202) 724-8118. The record will close at the end of the business day on April 7, 2014.

Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, DC 20004

ABBREVIATED NOTICE OF INTENT TO CONSIDER LEGISLATION

The Council of the District of Columbia hereby gives notice of its intention to take action in less than fifteen (15) days on Proposed Resolution 20-657, the "Sense of the Council in Support of DC Water's Long Term Control Plan Modification to include Green Infrastructure Resolution of 2014." This resolution was introduced on February 18, 2014. Councilmember Cheh intends to agendize this resolution for the March 4, 2014, Legislative Meeting.

COUNCIL OF THE DISTRICT OF COLUMBIA
Notice of Reprogramming Requests

Pursuant to DC Official Code Sec 47-361 et seq. of the Reprogramming Policy Act of 1990, the Council of the District of Columbia gives notice that the Mayor has transmitted the following reprogramming request(s).

A reprogramming will become effective on the 15th day after official receipt unless a Member of the Council files a notice of disapproval of the request which extends the Council's review period to 30 days. If such notice is given, a reprogramming will become effective on the 31st day after its official receipt unless a resolution of approval or disapproval is adopted by the Council prior to that time.

Comments should be addressed to the Secretary to the Council, John A. Wilson Building, 1350 Pennsylvania Avenue, N.W., Room 5 Washington, D.C. 20004. Copies of reprogramming requests are available in Legislative Services, Room 10.
Telephone: 724-8050

Reprog. 20-157: Request to reprogram \$2,000,000 of Capital funds budget authority and allotment to the Metropolitan Police Department (MPD) was filed in the Office of the Secretary on February 11, 2014. This reprogramming is needed to support the costs of renovations to MPD's Special Operations Division, located at 2850 New York Ave. NE.

RECEIVED: 14 day review begins February 12, 2014

Reprog. 20-158: Request to reprogram \$716,272 of Fiscal Year 2014 Local funds budget authority within the Department of Human Services (DHS) was filed in the Office of the Secretary on February 11, 2014. This reprogramming is needed to support the expansion of the Parent and Adolescent Support System within DHS.

RECEIVED: 14 day review begins February 12, 2014

Reprog. 20-159: Request to reprogram \$2,500,000 of Capital funds budget allotment and authority within the District Department of Transportation (DDOT) was filed in the Office of the Secretary on February 11, 2014. This reprogramming is needed for the purchase of three buses for the DC Circulator.

RECEIVED: 14 day review begins February 12, 2014

Reprog. 20-160: Request to reprogram \$1,083,000 of Fiscal Year 2014 Local funds budget authority from the Child and Family Services Agency (CFSA) to the Department of Human Services (DHS) was filed in the Office of the Secretary on February 11, 2014. This reprogramming is needed to support the New Heights program, which works to prevent teen pregnancy and support teen parents attending school.

RECEIVED: 14 day review begins February 12, 2014

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
2/21/2014

Notice is hereby given that:

License Number: ABRA-021211

License Class/Type: C Tavern

Applicant: Yfe Inc.

Trade Name: 18th Street Lounge

ANC: 2B

Has applied for the renewal of an alcoholic beverages license at the premises:

1212 18TH ST NW, Washington, DC 20036

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

4/7/2014

HEARING WILL BE HELD ON

4/21/2014

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Cover Charge, Dancing, Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	11 am - 2 am	11 am - 2 am	6 pm - 1:45 am
Monday:	5 pm - 2 am	5 pm - 2 am	6 pm - 1:45 am
Tuesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 1:45 am
Wednesday:	5 pm - 2 am	5 pm - 2 am	6 pm - 1:45 am
Thursday:	5 pm - 2 am	5 pm - 2 am	6 pm - 1:45 am
Friday:	5 pm - 3 am	5 pm - 3 am	6 pm - 2:45 am
Saturday:	11 am - 3 am	11 am - 3 am	6 pm - 2:45 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	5 pm - 2 am	5 pm - 2 am
Monday:	5 pm - 2 am	5 pm - 2 am
Tuesday:	5 pm - 2 am	5 pm - 2 am
Wednesday:	5 pm - 2 am	5 pm - 2 am
Thursday:	5 pm - 2 am	5 pm - 2 am
Friday:	5 pm - 3 am	5 pm - 3 am
Saturday:	5 pm - 3 am	5 pm - 3 am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF PUBLIC HEARINGS
CALENDAR

WEDNESDAY, FEBRUARY 26, 2014
2000 14TH STREET, N.W., SUITE 400S
WASHINGTON, D.C. 20009

Ruthanne Miller, Chairperson
Members: Nick Alberti, Donald Brooks, Herman Jones
Mike Silverstein, Hector Rodriguez, James Short

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00165; Clover Logan Circle, LLC, t/a Tortilla Coast, 400 1st Street SE, License #85922, Retailer CR, ANC 6B
Substantial Change (Entertainment Endorsement/Karaoke)

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00170; 2500 Pennsylvania Avenue Investors, LLC, t/a Avenue Suites/A Bar, 2500 Pennsylvania Ave NW, License #86545, Retailer CT, ANC 2A, **Renewal Application**

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00173; Caribbean Vibes, Inc., t/a Club Timehri, 2439 18th Street NW, License #77730, Retailer CT, ANC 1C
Renewal Application

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00162; Green Island Heaven and Hell, Inc., t/a Green Island Café/Heaven and Hell (The), 2327 18th Street NW, License #74503, Retailer CT ANC 1C, **Renewal Application**

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00158; Twin T's, LLC, t/a DC Shenanigans, 2450 18th Street NW, License #88119, Retailer CT, ANC 1C
Renewal Application

Protest Hearing (Status) **9:30 AM**
Case # 13-PRO-00166; Assefa Kidane, t/a Manchester Bar and Restaurant 944 Florida Ave NW, License #75377, Retailer CT, ANC 1B
Renewal Application

10:00 AM

Board's Calendar
February 26, 2014

Show Cause Hearing*

Case # 12-AUD-00033(NCBO); Queen of Sheba, Inc., t/a Queen of Sheba
1503 9th Street NW, License #73644, Retailer CR, ANC 6E
Failed to Comply with Board Order No. 2013-350

Show Cause Hearing*

11:00 AM

Case # 13-CMP-00319; Sami Restaurant, LLC, t/a Bistro 18, 2420 18th Street
NW, License #86876, Retailer CR, ANC 1C
Violation of Settlement Agreement

**BOARD RECESS AT 12:00 PM
ADMINISTRATIVE AGENDA
1:00 PM**

Show Cause Hearing*

1:30 PM

Case # 12-CMP-00680; The Stadium Group, LLC, t/a Stadium, 2127 Queens
Chapel Road NE, License #82005, Retailer CN, ANC 5C
**Operating After Hours, Provided "Back-up Drinks", Noise Violation,
Provided False or Misleading Information, Failed to Follow Security Plan,
Violation of Special Event Safety/Security Plan**

Protest Hearing*

4:30 PM

Case # 13-PRO-00140; Civil Lounge, LLC, t/a Civil Lounge, 5335 Wisconsin
Ave NW, License #90196, Retailer CT, ANC 3E
Renewal Application

***The Board will hold a closed meeting for purposes of deliberating these
hearings pursuant to D.C. Official Code §2-574(b)(13).**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 21, 2014
Petition Date: April 7, 2014
Hearing Date: April 21, 2014
Protest Date: June 11, 2014

License No.: ABRA-094283
Licensee: Brooklyn Flea DC, LLC
Trade Name: Brooklyn Flea DC
License Class: Retailer’s Class “D” Tavern
Address: 945 Florida Ave., NW
Contact: Hugh McIntosh, Managing Member 202-230-6258

WARD 1

ANC 1B

SMD 1B11

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the hearing date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petition and/or request to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for 1:30 pm on June 11, 2014.

NATURE OF OPERATION

An outdoor Flea Market specializing in antiques, vintage clothes, arts and crafts with a total occupancy load of 200 or more. The vendors will serve dishes ranging from Tacos to Ravioli and sandwiches.

HOURS OF OPERATION AND ALCOHOLIC BEVERAGES SALES/SERVICE/CONSUMPTION

Sunday 10 am – 5 pm and Saturday 10 am – 11pm

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION**NOTICE OF PUBLIC HEARING**

Posting Date: February 21, 2014
Petition Date: April 7, 2014
Hearing Date: April 21, 2014
Protest Hearing Date: June 11, 2014

License No.: ABRA-094623
Licensee: Native Foods California, LLC
Trade Name: Native Foods Cafe
License Class: Retailer's Class "D" Restaurant
Address: 1150 Connecticut Ave, NW
Contact: Andrew Kline (202)-686-7600

WARD 2

ANC 2B

SMD 2B06

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such license on the hearing date at 10:00 am, 2000 14th Street, N.W., 400 South, Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the petition date. The Protest Hearing Date is scheduled for June 11, 2014 at 1:30 pm.

NATURE OF OPERATION

This is new restaurant serving vegan food. No dancing or entertainment. Total # of seats is 116 and the occupancy load is 160. Sidewalk Café # of seats: 14

HOURS OF OPERATION/SIDEWALK CAFÉ

Sunday through Thursday 7 am – 2am
Friday through Saturday 7 am – 3 am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE/CONSUMPTION/SIDEWALK CAFE

Sunday through Thursday 8 am – 2am
Friday through Saturday 8 am – 3 am

Correction

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION

NOTICE OF PUBLIC HEARING

Posting Date: February 14, 2014
 Petition Date: March 31, 2014
 Roll Call Hearing Date: April 14, 2014
 Protest Hearing Date: June 4, 2014

License No.: ABRA-093986
 Licensee: Terminal Alley LLC
 Trade Name: Terminal Alley
 License Class: Retailer’s Class “C” Tavern
 Address: 3701 Benning Road NE (2nd Floor Rear)
 Contact: *Paul Pascal, Esq., 202-544-2200

WARD7

ANC 7F

SMD 7F01

Notice is hereby given that this applicant has applied for a license under the D.C. Alcoholic Beverage Control Act and that the objectors are entitled to be heard before the granting of such on the Roll Call Hearing Date at 10:00 am, 4th Floor, 2000 14th Street, N.W., Washington, DC 20009. Petitions and/or requests to appear before the Board must be filed on or before the Petition Date. The Protest Hearing Date is scheduled for June 4, 2014 at 1:30pm.

NATURE OF OPERATION

New Tavern with light fare; no entertainment. Total occupancy load of 70. Summer garden with seats for 20 patrons.

HOURS OF OPERATION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 4pm-2am, Friday and Saturday 4pm-3am

HOURS OF ALCOHOLIC BEVERAGE SALES/SERVICE AND CONSUMPTION FOR INSIDE PREMISES AND SUMMER GARDEN

Sunday through Thursday 4pm-2am, Friday and Saturday 4pm-3am

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ON
2/21/2014

Notice is hereby given that:

License Number: ABRA-076366

License Class/Type: C Tavern

Applicant: Beg Investments LLC

Trade Name: Twelve Restaurant & Lounge

ANC: 6A

Has applied for the renewal of an alcoholic beverages license at the premises:

1123 - 1125 H ST NE, WASHINGTON, DC 20002

PETITIONS/LETTERS OF OPPOSITION OR SUPPORT MUST BE FILED ON OR BEFORE:

4/7/2014

HEARING WILL BE HELD ON

4/21/2014

AT 10:00 AM, 2000 14th Street, NW, 4th Floor, Washington, DC 20009

ENDORSEMENTS: Entertainment, Summer Garden

Days	Hours of Operation	Hours of Sales/Service	Hours of Entertainment
Sunday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Monday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Tuesday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Wednesday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Thursday:	10 am - 2 am	10 am - 1:45 am	5 pm - 2 am
Friday:	10 am - 3 am	10 am - 2:45 am	5 pm - 3 am
Saturday:	10 am - 3 am	10 am - 2:45 am	10 am - 3 am

Days	Hours of Summer Garden Operation	Hours of Sales Summer Garden
Sunday:	10 am - 12 am	10 am - 12 am
Monday:	10 am - 12 am	10 am - 12 am
Tuesday:	10 am - 12 am	10 am - 12 am
Wednesday:	10 am - 12 am	10 am - 12 am
Thursday:	10 am - 12 am	10 am - 12 am
Friday:	10 am - 2 am	10 am - 2 am
Saturday:	10 am - 2 am	10 am - 2 am

**BOARD OF ZONING ADJUSTMENT
PUBLIC HEARING NOTICE
TUESDAY, APRIL 15, 2014
441 4TH STREET, N.W.
JERRILY R. KRESS MEMORIAL HEARING ROOM, SUITE 220-SOUTH
WASHINGTON, D.C. 20001**

TO CONSIDER THE FOLLOWING: The Board of Zoning Adjustment will adhere to the following schedule, but reserves the right to hear items on the agenda out of turn.

9:30 A.M. MORNING HEARING SESSION

A.M.

WARD TWO

18739 **Application of Charles B. Mathias**, pursuant to 11 DCMR § 3104.1, for
ANC-2E a special exception for a two story rear addition to a one-family row
dwelling under section 223, not meeting the court requirements under
section 406 in the R-3 District at premises 2803 Dumbarton Street, N.W.
(Square 1240, Lot 868).

WARD THREE

18738 **Application of Siamak Aryanpour Kashani**, pursuant to 11 DCMR §
ANC-3D 3104.1, for a special exception to construct a new five (5) unit apartment
house under section 353, in the R-5-A District at premises 4527 Mac
Arthur Boulevard, N.W. (Square 1363, Lot 50).

WARD THREE

18740 **Application of Sheridan School Inc.**, pursuant to 11 DCMR § 3104.1,
ANC-3F for a special exception under section 206, to allow the continued operation
of an existing private school with an increase in student enrollment from
226 to 230, in the R-2 District at premises 4400 36th Street, N.W. (Square
1968, Lot 10).

PLEASE NOTE:

Failure of an applicant or appellant to appear at the public hearing will subject the application or appeal to dismissal at the discretion of the Board.

Failure of an applicant or appellant to be adequately prepared to present the application or appeal to the Board, and address the required standards of proof for the application or appeal, may subject the application or appeal to postponement, dismissal or denial. The public hearing in these cases will be conducted in accordance with the provisions of

BZA PUBLIC HEARING NOTICE

APRIL 15, 2014

PAGE NO. 2

Chapter 31 of the District of Columbia Municipal Regulations, Title 11, and Zoning. Pursuant to Subsection 3117.4, of the Regulations, the Board will impose time limits on the testimony of all individuals. Individuals and organizations interested in any application may testify at the public hearing or submit written comments to the Board.

Except for the affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. **Persons seeking party status shall file with the Board, not less than 14 days prior to the date set for the hearing, a Form 140 – Party Status Application Form.** This form may be obtained from the Office of Zoning at the address stated below or downloaded from the Office of Zoning's website at: www.dcoz.dc.gov. All requests and comments should be submitted to the Board through the Director, Office of Zoning, 441 4th Street, NW, Suite 210, Washington, D.C. 20001. Please include the case number on all correspondence.

FOR FURTHER INFORMATION, CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

LLOYD J. JORDAN, CHAIRMAN, S. KATHRYN ALLEN, VICE CHAIRPERSON, MARNIQUE HEATH, JEFFREY L. HINKLE AND A MEMBER OF THE ZONING COMMISSION ----- BOARD OF ZONING ADJUSTMENT, CLIFFORD W. MOY, SECRETARY TO THE BZA, SARA A. BARDIN, DIRECTOR, OFFICE OF ZONING.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the proposed amendments is to simplify the Utility Allowance Schedule.

The proposed rulemaking was published in the *D.C. Register* on November 15, 2013, at 60 DCR 015864. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on February 12, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

The amended provisions of Chapter 53 “Recertifications, Housing Quality Standard Inspections, and Family Moves,” of Title 14, “Housing,” of the DCMR are added as follows:

Section 5311 is amended as follows:

5311 APPLYING UTILITY ALLOWANCES

5311.1 PROGRAM DESCRIPTION

The purpose of the simplified calculation of utility allowances for Housing Choice Voucher participants is to enable program participants, landlords, and PHA to be able to easily calculate a participant utility allowance utilizing one utility schedule. The new utility allowance is based on the lower of the bedroom size or voucher size, source of heating, electricity, and whether the participant is responsible for paying water and sewer usage. The utility consumption rates for the District of Columbia shall be reviewed annually and if there is a change of 10% or more the simplified utility allowance schedule shall be adjusted accordingly.

5311.2 The utility allowance is calculated for each Family based upon DCHA’s utility allowance schedule. The schedule is based on the average utility costs in the District of Columbia. The utility allowance schedule set by DCHA applies to all assisted program types.

5311.3 A DCHA established utility allowance schedule is used in determining Family Share and HAP. DCHA shall use the appropriate utility allowance as calculated by Section 5332.

- 5311.4 DCHA, under its MTW Authority, established its “Simplified Utility Allowance Schedule”. The following provisions shall apply to calculating utility allowances:
- (a) DCHA shall use a simplified schedule to calculate utility allowances at the time of a Family’s initial lease-up, biennial recertification, interim recertification, or when a family transfers to another unit pursuant to § 5333 – Family Moves;
 - (b) The utility allowance calculation for all participants shall be determined using one structure type selected by DCHA annually.
 - (c) Generally, DCHA shall determine the structure type to by using the most commonly rented structure type based on the previous fiscal year.
 - (d) At its discretion, DCHA may select a structure type larger or smaller than the most commonly rented structure type if it determines that selecting the most common structure type may cause a disproportionate number of hardships or disproportionate number of excessive allowances to Families.
 - (e) Based on the structure type chosen, DCHA shall provide to all Families a flat allowance for tenant-paid gas and electric, an additional flat allowance if the unit is all electric, and an additional flat allowance if the participant is also responsible for water and sewer.
- 5311.5 DCHA shall approve a utility allowance amount higher than shown on DCHA’s schedule if a higher allowance is needed as a reasonable accommodation for a Family member with a disability, in accordance with DCHA’s procedures regarding reasonable accommodation.
- 5311.6 In the event of an interim recertification, DCHA shall use the utility allowance schedule in effect at the time of the family’s last biennial recertification . Revised utility allowances shall be applied to a Family’s rent and subsidy calculations at the first biennial recertification that is effective after the allowance is adopted.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 53 (Recertifications, Housing Quality Standard Inspections, and Family Moves) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to simplify the Utility Allowance Schedule.

The proposed rulemaking was published in the *D.C. Register* on November 15, 2013, at 60 DCR 015866. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on February 12, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

The amended provisions of Chapter 53, “Recertifications, Housing Quality Standard Inspections, and Family Moves” of Title 14, “Housing,” of the DCMR are added as follows:

Section 5332 is amended as follows:

5332 UTILITY ALLOWANCE SCHEDULE SIMPLIFICATION

- 5332.6 DCHA shall publish the utility schedule by bedroom sizes annually. DCHA shall also provide the utility allowance schedule to applicants at their initial briefing.
- 5332.7 A utility allowance shall be determined based upon the lesser of either:
- (a) Number of bedrooms; or
 - (b) Voucher size;
- 5332.8 If any Family’s simplified utility allowance decreases by more than \$25.00 and the decrease equals more than 10% of the household’s adjusted monthly income, the Family may request a hardship waiver.
- 5332.9 To qualify for the hardship waiver, the head of household must provide tenant paid utility bills, or other proof of tenant paid utility charges from the assisted unit from the previous six months to demonstrate that the average monthly cost exceeds their new utility allowance.
- 5332.10 Any request for a hardship must be in writing and received by DCHA within thirty-five (35) days of the DCHA notice to the family of their new rent determination.

5332.11 A Family that can demonstrate hardship shall be provided with a one-time six month simplified utility allowance waiver and the utility allowance will be set at either the lower of:

- (a) the previous utility allowance; or
- (b) Family's average tenant paid utility bills from the past six months.

5332.11 At the end of the six month hardship period, the simplified utility allowance shall be applied.

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, as amended, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendment to the definition of “violent criminal activity” in Chapter 59 (Definitions) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendment is to provide guidance on the definition of violent criminal activity.

The proposed rulemaking was published in the *D.C. Register* on November 8, 2013, at 60 DCR 015569. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on February 12, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Section 5999 (Definitions) of Chapter 59 (Definitions) of Title 14 (Housing) of the DCMR is amended as follows:

Subsection 5999.1 is amended as follows:

5999.1 For purpose of Chapters 49 through 59 of Title 14 of the District of Columbia Municipal Regulations, comprising the administration of the Housing Choice Voucher Program, the following definition shall apply:

Violent Criminal Activity—Violent criminal activity means “crime of violence” as set forth in D.C. Official Code § 23-1331(4).

THE DISTRICT OF COLUMBIA HOUSING AUTHORITY

NOTICE OF FINAL RULEMAKING

The Board of Commissioners of the District of Columbia Housing Authority (DCHA), pursuant to the District of Columbia Housing Authority Act of 1999, as amended, effective May 9, 2000 (D.C. Law 13-105; D.C. Official Code § 6-203 (2012 Repl.)), hereby gives notice of the adoption of the following amendments to Chapter 98 (Public Housing: Achieving Your Best Life Rewards Property Program) of Title 14 (Housing) of the District of Columbia Municipal Regulations (DCMR).

The purpose of the amendments is to amend the existing policies regarding DCHA's Achieving Your Best Life Rewards Property Program.

The first proposed rules were published in the *D.C. Register* on November 15, 2013, at 60 DCR 15868. The second proposed rules were published in the *D.C. Register* on January 17, 2014, at 61 DCR 000431. These second proposed amendments contained revisions made as a result of considering comments submitted following the publication of the first proposed rulemaking. Final action to adopt this rulemaking was taken at the Board of Commissioners regular meeting on February 12, 2014. The final rules will become effective upon publication of this notice in the *D.C. Register*.

Chapter 98, PUBLIC HOUSING: ACHIEVING YOUR BEST LIFE REWARDS PROPERTY PROGRAM, of Title 14, HOUSING, is amended as follows:

Section 9800 (Program Purpose) is amended as follows:

Subsection 9800.1(b) is amended to read as follows:

- 9800.1 (b) Make progress toward achieving economic independence and prepare for:
- (1) purchasing a home; or
 - (2) renting in the private market without federal or local housing assistance.

Section 9801 (Program Description) is amended as follows:

Subsection 9801.1 is amended to read as follows:

- 9801.1 The District of Columbia Housing Authority (DCHA) recognizes the need to encourage families in their efforts to attain self-sufficiency. As such, DCHA establishes the Achieving Your Best Life Rewards Program (AYBL), a self-sufficiency program structured around DCHA designated Public Housing developments known as Rewards Properties. Participating AYBL Families reside

at these developments while preparing to become (1) homeowners; or (2) sign a lease in the private market without federal or local housing assistance. Although the primary goal of the program is to prepare public housing families to become homeowners or renters in the private market by reducing their dependency on public and housing subsidies, families also set self-declared goals related to achieving homeownership or renting in the private market without federal or local housing assistance. In an effort to assist families to become homeowners, DCHA's goal is to connect residents with available resources and services in such areas as credit and budget counseling, general life skills, job readiness assessment and training, home ownership counseling, education/vocational training and self improvement workshops. Through case management and active participation, families will be connected with community services and related programs critical to their success. Participation in the AYBL program is voluntary.

Section 9802 (Rewards Properties) is amended as follows:

Subsection 9802.4 is amended to read as follows:

- 9802.4 AYBL Families may reside at Reward Properties until the following:
- (a) The family successfully purchases a home;
 - (b) The family has signed a lease with a landlord in the private market without federal or local housing assistance;
 - (c) The Contract of Participation expires;
 - (d) DCHA terminates the family's Contract of Participation;
 - (e) The family breaches the Public Housing dwelling lease or AYBL lease addendum as determined in Landlord Tenant court; or
 - (f) The family is evicted, whichever comes first.

Section 9806 (AYBL Program Eligibility Determination) is amended as follows:

Subsection 9806.3 is amended to read as follows:

- 9806.3 The DCHA shall consider an AYBL Applicant Family eligible for participation in the AYBL program if the AYBL Applicant Family meets the following criteria:
- (a) Is a current resident in a DCHA subsidized conventional public housing unit, in a mixed finance unit subsidized by an Annual Contributions Contract, or is currently in the selection pool;

- (b) Can demonstrate at least one (1) year of timely rental payment history with DCHA or in the private market;
- (c) Bedroom size requirement meets the unit composition of the Reward Property and established DCHA Occupancy Standards of this chapter;
- (d) Income eligible: minimum earned income of the potential borrower/co-borrower or renter of no less than thirty-two thousand dollars (\$32,000) from employment or in the case where the potential borrower/co-borrower or renter is elderly and/or disabled certain unearned income (for example, SSI, SSDI, pension payments, etc.) may be counted toward the thirty-two thousand dollars (\$32,000) minimum. DCHA may from time to time change the minimum income eligibility requirement.
- (e) The family may not include any person who has held an ownership interest in a residence during the three (3) years prior to commencement in AYBL, except as follows:
 - (1) Equitable interest in a property under the terms of a lease-purchase agreement prior to exercise of the purchase option;
 - (2) An individual who is now single, but had previously owned a home with his or her former spouse even within the three (3) year period;
 - (3) A household in which a family member is a person with a disability, if homeownership assistance is needed as a reasonable accommodation; and
 - (4) A family that owns or is acquiring shares in a cooperative.
- (f) Be a DCHA resident in Good Standing:
 - (1) Timely completion of scheduled and interim recertifications;
 - (2) No instances of unreported income;
 - (3) No current debt owed (*i.e.*, rent, excess utility charges, maintenance charges, etc.) to DCHA, federally funded housing program, and any court or in-house repayment agreements must be paid off prior to application to the AYBL program.
 - (4) No more than four (4) late rental payments, in either public housing or the private market, within the twelve (12) months prior

to approval of an AYBL application provided that the payment is received within the month that the rent is charged. For other charges (*i.e.*, excess utility charges, maintenance charges, etc.) payment must have been made within thirty (30) days of the date of the charge.

- (5) Passed scheduled DCHA inspections that were conducted in the unit within the past twelve (12) months from the date of AYBL application submission;
- (6) No legal actions for non-curable violations of the lease within the last five (5) years at the time of AYBL application submission;
- (7) No repeated breaches of other terms of the Lease by the Lessee(s) or any household member identified in the Public Housing dwelling lease;
- (8) Pass a separate DCHA AYBL Home Visit inspection.
- (9) Pass a criminal background check that will be conducted on all household members who are eighteen (18) years of age or older pursuant to 14 DCMR § 6109.

Section 9807 (AYBL Selection Preferences and Lottery) is amended as follows:

Subsections 9807.4 - 12 are amended to read as follows:

- 9807.4 If DCHA is unable to fill the AYBL units with families residing in conventional public housing or in a mixed financed unit subsidized by an Annual Contributions Contract, at its sole discretion, DCHA shall pull from the selection pool of applicants who have been deemed eligible for admission and who are waiting placement at a public housing property.
- 9807.5 After the returning ABYL families and residents at DCHA designated properties in the area surrounding the Rewards Property have been put on the Site-based Transfer Waiting list, and there is a need for additional families to occupy units at a Rewards Property, DCHA will conduct a lottery as defined in this section for all other AYBL eligible residents.
- 9807.6 Only those AYBL applicant families that have been determined eligible for the AYBL program will be placed in a lottery pool to be selected for an AYBL Site-based Transfer Waiting list pursuant to this section.
- 9807.7 Applicants are assigned a number at the time they are determined eligible. Once the eligibility determination process is complete, DCHA will conduct a public

lottery overseen by a third party to determine which applicants will be selected for placement on an AYBL Site-based Transfer Waiting Lists according to bedroom size and property requested.

- 9807.8 The size of AYBL Site-Based Transfer Waiting Lists will be based upon DCHA's projected vacancy rates at each AYBL Rewards Property. The size of AYBL Site-based Transfer Waiting Lists will be determined by DCHA, at its sole discretion, based on projected vacancies.
- 9807.9 Once the required number of AYBL eligible families is selected from the lottery pool to meet projected vacancies for an AYBL Rewards Property, the families will be placed on the AYBL Site-Based Transfer Waiting List based on the order the families were selected from the lottery pool.
- 9807.10 Once the AYBL Families are placed on an AYBL Site-based Transfer Waiting List, that Site-Based Transfer Waiting list will be closed.
- 9807.11 Once a AYBL Site-based Transfer Waiting List is closed, those AYBL Families who were in the lottery pool, but were not selected to be placed on a AYBL Site-based Transfer Waiting List, will be able to re-apply when DCHA determines to reopen the list.
- 9807.12 When there is not a sufficient number of eligible AYBL Families on an AYBL Site-based Transfer Waiting List to meet vacant unit projections for that property, the AYBL Site-based Transfer Waiting List will be opened and applications will be requested in accordance with the provisions of this chapter.

Section 9817 (Contract of Participation) is amended as follows:

Subsections 9817.6 - 14 are amended to read as follows:

- 9817.6 Requests for extensions of the contract term must be submitted to DCHA in writing in a form approved by DCHA at least thirty (30) days prior to the end of the Contract of Participation or extension and must include evidence justifying the request.
- 9817.7 AYBL Families who have identified renting in the private market without federal or local housing assistance are not entitled to an extension of the Contract of Participation. At the end of the contract term the AYBL Family must vacate the AYBL unit or transfer to a conventional public housing unit pursuant to the transfer regulations in this chapter.
- 9817.8 The Contract of Participation shall incorporate the ITSP(s) for both the potential borrower/co-borrower or the renter/co-renter as applicable.

- 9817.9 The ITSP, in addition to identifying homeownership or renting in the private market as the AYBL Family's end goal, will establish interim goals by which the AYBL Family's progress in fulfilling its obligations will be measured. Mandatory minimum interim goals are to be included in the ITSP and thereby required by the Contract of Participation are that the AYBL Family:
- (a) Has been admitted in the HOAP;
 - (b) Is under contract to purchase a home; or
 - (c) Has identified a private rental unit and is in the process of executing a lease.
- 9817.10 Modification of the Contract of Participation -- DCHA and the AYBL Family may mutually agree to modify the Contract of Participation. The Contract of Participation may be modified in writing with respect to the Individual Training and Services plans, the contract term, and designation of the Head of Household.
- 9817.11 Completion of the Contract of Participation -- A Contract of Participation is considered to be completed and a family's participation in AYBL is considered to conclude when the AYBL Family has fulfilled all of its obligations under the Contract of Participation on or before the expiration of the contract term, including any extension thereof.
- 9817.12 Non-compliance will be determined based on the requirements of the Contract of Participation. AYBL Families will be notified in writing for instances of non-compliance through the issuance of a Notice of Non-Compliance.
- 9817.13 Termination of Contract of Participation -- the Contract of Participation is automatically terminated if the AYBL Family's Public Housing lease is terminated. The Contract of Participation may be terminated before the expiration of the contract term, and any extension thereof, by:
- (a) mutual consent of DCHA and the AYBL Family;
 - (b) the failure of the AYBL Family to meet its obligations under the Contract of Participation without good cause;
 - (c) the AYBL Family's withdrawal from the AYBL program;
 - (d) such other act as is deemed inconsistent with the purpose of AYBL; or
 - (e) operation of law.
- 9817.14 Termination of the Contract of Participation for reasons other than a breach of the Public Housing lease, in accordance with this section, may not result in the

termination of Public Housing assistance. If the Contract of Participation is terminated for reasons that require an AYBL Family to transfer to a non-Rewards Property unit the AYBL family will be transferred to a conventional public housing unit in accordance with the AYBL transfer policy described in this chapter.

9817.15 AYBL Families who successfully complete the Contract of Participation will transition to the HCVP/HOAP. All members of the AYBL Family must vacate the AYBL unit at the conclusion of the family's participation in the program whether by termination or successful completion of the Contract of Participation.

Section 9899 (Definitions) is amended to replace the definition of “AYBL Applicant Family” to read as follows:

AYBL Applicant Family -- a Public Housing family living in conventional public housing or in a mixed finance development unit which is subsidized with Annual Contributions Contract assistance, or is currently in the selection pool, and who has submitted a completed application, including all required documents, for consideration to become an AYBL Family.

DEPARTMENT OF HEALTH

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Health, pursuant to the authority set forth in Section 4902 of the Department of Health Functions Clarification Act of 2001 (Act), effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 7-731(b) (2012 Repl. & 2013 Supp.)) and Mayor’s Order 2007-63 (#1), dated March 8, 2007, hereby gives notice of his intent to amend Subtitle F (Tanning Facility Regulations), Title 25 of the District of Columbia Municipal Regulations (DCMR) by adding a new Section 1500 (Schedule of Fees and Services).

The Director also gives notice of the intent to take final rulemaking action to adopt the proposed rules in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*. The proposed rules shall not become effective until a Notice of Final Rulemaking is published in the *D.C. Register*.

Title 25 (Food Operations and Community Hygiene Facilities), Subtitle F (Tanning Facility Regulations), DCMR is amended as follows:

1500 SCHEDULE OF FEES AND SERVICES

1500.1 The following fees are applicable to Tanning Facilities and include plan reviews, inspections, and license applications.

<u>Description of Services:</u>	<u>Fees:</u>
Initial Facility License Application (2-year licensing period begins October 1 st to September 30 th)	\$ 500.00
Renewal Facility License Application (2-year licensing period begins October 1 st to September 30 th)	\$ 500.00
Change of Ownership Fee	\$ 500.00
Late Fee Renewal	\$ 25.00
Duplicate License Fee	\$ 15.00

1500.2 The following fees are applicable to Tanning Service Providers’ Registration:

<u>Description of Services:</u>	<u>Fees:</u>
New Registration (2-year licensing period begins October 1 st to September 30 th)	\$ 250.00

Renewal Registration (2-year licensing period begins October 1 st to September 30 th)	\$ 250.00
Late Fee Registration	\$ 25.00
Duplicate Registration	\$ 15.00

1500.3 The following fees are applicable to Tanning Facility Manager’s Identification Cards:

<u>Description of Services:</u>	<u>Fees:</u>
New District-Issued Tanning Facility Manager’s Identification Card (Valid for a 2-year period)	\$ 35.00
Renewal of District-Issued Tanning Facility Manager’s Identification Card (Valid for a 2-year period)	\$ 35.00
Duplicate Tanning Facility Manager’s Identification Card	\$ 15.00

1500.4 All fees shall be paid by certified check, money order, business check, or personal check made payable to the “District of Columbia Treasurer.”

All persons wishing to comment on these proposed rules should submit written comments no later than thirty (30) days after the date of publication of this notice in the *D.C. Register*, to the Office of the General Counsel, Department of Health, 899 North Capitol Street, N.E., Room 547, Washington, D.C. 20002. Copies of the proposed rules may be obtained from the above address, excluding weekends and holidays. You may also submit your comments to Angli Black on (202) 442-5977 or email Angli.Black@dc.gov.

DEPARTMENT OF HEALTH CARE FINANCE

NOTICE OF SECOND EMERGENCY AND PROPOSED RULEMAKING

The Director of the Department of Health Care Finance (DHCF), pursuant to the authority set forth in An Act to enable the District of Columbia to receive federal financial assistance under Title XIX of the Social Security Act for a medical assistance program, and for other purposes, approved December 27, 1967 (81 Stat. 744; D.C. Official Code § 1-307.02 (2012 Repl. & 2013 Supp.)) and Section 6(6) of the Department of Health Care Finance Establishment Act of 2007, effective February 27, 2008 (D.C. Law 17-109; D.C. Official Code § 7-771.05(6) (2012 Repl.)), hereby gives notice of the repeal of Section 929 and adoption, on an emergency basis, of a new Section 1933 (Supported Employment Services - Individual And Small Group Services) of Chapter 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities) of Title 29 (Public Welfare) of the District of Columbia Municipal Regulations (DCMR).

These emergency and proposed rules establish standards governing the participation requirements for providers who provide supported employment services to participants in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (ID/DD Waiver) and to establish conditions of participation for providers.

This Notice of Second Emergency and Proposed Rulemaking amends the previously published standards governing providers of supported employment services for participants enrolled in the Home and Community-Based Services Waiver for Individuals with Intellectual and Developmental Disabilities (ID/DD Waiver). These rules amend the previously published rules by: (1) clarifying words and/or phrases to reflect more person-centered language and simplify interpretation of the rule; (2) establishing that a small group supported employment setting is one that consists of two (2) to eight (8) workers instead of a group solely consisting of workers with disabilities to promote interaction with individuals without disabilities; and (3) amending the definition of group supported employment.

Emergency action is necessary for the immediate preservation of the health, safety, and welfare of ID/DD Waiver participants who are in need of supported employment individual and small group services. Small group supported employment services are services and training activities provided in regular business, industry, and community settings for groups of two (2) to eight (8) workers. By taking emergency action, these rules will clarify the criteria for a small group supported employment setting and reduce the likelihood that persons with disabilities will work in a segregated setting. In order to ensure that the Waiver participants' health, safety, and welfare are not threatened by the lapse in enhanced quality of service delivery, it is necessary that that these rules be published on an emergency basis.

An initial Notice of Emergency and Proposed Rulemaking was published in the *D.C. Register* on October 25, 2013 at 60 DCR 15019. Numerous comments were received. Substantive changes have been made as described above. The emergency rulemaking was adopted on January 15, 2014 and became effective on that date. The emergency rules shall remain in effect for one hundred and twenty (120) days or until May 14, 2014 unless superseded by publication of a Notice of Final Rulemaking in the *D.C. Register*.

The Director of DHCF also gives notice of the intent to take final rulemaking action to adopt these proposed rules in not less than thirty (30) days after the date of publication of this notice in the *D.C. Register*.

Section 929 (Supported Employment) of Chapter 9 (Medicaid Program), Title 29, PUBLIC WELFARE of the DCMR is repealed and a new Section 1933, Chapter 19 (Home and Community-Based Waiver for Individuals with Intellectual and Developmental Disabilities), Title 29, is added to read as follows:

1933 SUPPORTED EMPLOYMENT SERVICES - INDIVIDUAL AND SMALL GROUP SERVICES

1933.1 This section shall establish standards governing Medicaid eligibility for supported employment services for persons enrolled in the Home and Community-Based Services Waiver for Persons with Intellectual and Developmental Disabilities (Waiver) and shall establish conditions of participation for providers of supported employment services.

1933.2 Medicaid reimbursable supported employment services are designed to provide opportunities for persons with disabilities to obtain competitive work in integrated work settings, at minimum wage or higher and at a rate comparable to workers without disabilities performing the same tasks.

1933.3 Medicaid reimbursable supported employment services may be delivered individually or in a small group.

1933.4 Medicaid reimbursable small group supported employment services are services and training activities that are provided in regular business, industry, or community setting for groups of two (2) to eight (8) workers.

1933.5 In order to receive Medicaid reimbursement for supported employment services, the person receiving services shall:

- (a) Be interested in obtaining full-time or part-time employment in an integrated work setting; and
- (b) Demonstrate that a previous application for the District of Columbia Rehabilitation Services Administration (RSA) funded supported employment services was made, by the submission of a letter documenting either ineligibility for RSA services or the completion of RSA services with the recommendation for long-term employment support.

1933.6 Medicaid reimbursable supported employment services shall:

- (a) Provide opportunities for persons with disabilities to achieve successful integrated employment consistent with the person's goals;

- (b) Be recommended by the person's Support Team; and
- (c) Be identified in the person's Individual Support Plan (ISP), Plan of Care, and Summary of Supports.

1933.7 The three (3) models of supported employment services eligible for Medicaid reimbursement are as follows:

- (a) An Individual Job Support Model, which evaluates the needs of the person and places the person into an integrated competitive or customized work environment through a job discovery process;
- (b) A Small Group Supported Employment Model, which utilizes training activities for groups of two (2) to eight (8) workers with disabilities to place persons in an integrated community based work setting; and
- (c) An Entrepreneurial Model, which utilizes training techniques to develop on-going support for a small business that is owned and operated by the person.

1933.8 Medicaid reimbursable supported employment services for the entrepreneurial model shall include the following activities:

- (a) Assisting the person to identify potential business opportunities;
- (b) Assisting the person in the development of a business and launching a business;
- (c) Identification of the supports that are necessary in order for the person to operate the business; and
- (d) Ongoing assistance, counseling and guidance once the business has been launched.

1933.9 Medicaid reimbursable supported employment services shall consist of the following activities:

- (a) Intake and assessment;
- (b) Job placement and development;
- (c) Job training and support; and
- (d) Long-term follow-along services.

- 1933.10 Intake and assessment services determine the interests, strengths, preferences, and skills of the person in order to ultimately obtain competitive employment and to further identify the necessary conditions for the person's successful participation in employment. The purpose of the intake and assessment is to facilitate and ensure a person's success in integrated competitive employment.
- 1933.11 Medicaid reimbursable intake and assessment activities include, but are not limited to, the following:
- (a) Conducting a person-centered vocational and situational assessment;
 - (b) Developing a person-centered employment plan that includes the person's job preferences and desires, through a discovery process and the development of a positive personnel profile;
 - (c) Assessing person-centered employment information, including the person's interest in doing different jobs, transportation to and from work, family support, and financial issues;
 - (d) Counseling an interested person on the tasks necessary to start a business, including referral to resources and nonprofit associations, such as the Senior Core of Retired Executives, that provide information specific to owning and operating a business; and
 - (e) Providing individual or group employment counseling.
- 1933.12 After intake and completion of the assessments, each provider of Medicaid reimbursable supported employment services shall complete and deliver a comprehensive vocational assessment report to the Department on Disability Services (DDS) Service Coordinator that includes the following information:
- (a) Employment-related strengths and weaknesses of the person;
 - (b) Availability of family and community supports for the person;
 - (c) The assessor's concerns about the health, safety, and wellbeing of the person;
 - (d) Accommodations and supports that may be required for the person on the job; and
 - (e) If a specific job or entrepreneurial effort has been targeted:
 - (1) Individualized training needed by the person to acquire and maintain skills that are commensurate with the skills of other employees;

- (2) Anticipated level of interventions that will be required for the person by the job coach;
- (3) Type of integrated work environment in which the person can potentially succeed; and
- (4) Activities and supports that are needed to improve the person's potential for employment.

1933.13 Medicaid reimbursable job placement and development includes activities to facilitate the person's ability to work in a setting that is consistent with their strengths, abilities, priorities, and interests, as well as the identification of potential employment options.

1933.14 Job placement and development activities eligible for Medicaid reimbursement include, but are not limited to, the following:

- (a) Conducting workshops or other activities designed to assist the person in completing employment applications or preparing for interviews;
- (b) Conducting workshops or other activities to instruct the person on appropriate work attire, work ethic, attitude, and expectations;
- (c) Assisting the person with the completion of job applications;
- (d) Assisting the person with job exploration and placement, including assessing opportunities for the person's advancement and growth;
- (e) Visiting employment sites and attending employment networking events;
- (f) Making telephone calls and conducting face-to-face informational interviews with prospective employers, utilizing the internet, magazines, newspapers, and other publications as prospective employment leads;
- (g) Collecting descriptive data regarding various types of employment opportunities, for purposes of job matching and customized employment;
- (h) Negotiating employment terms with or on behalf of the person;
- (i) Working with the person to develop and implement a plan to start a business, including developing a business plan, developing investors or start-up capital, and other tasks necessary to starting a small business; and
- (j) Working with the person and employer to develop group placements.

1933.15 Job training and support activities are those activities designed to assist and support the person after he or she has obtained employment. The expectation is

that the person's reliance upon job training and support activities will decline as a result of job skills training and support from supervisors and co-workers in the existing work setting to maintain employment.

1933.16 Medicaid reimbursable job training and support activities include, but are not limited to, the following:

- (a) On-the-job training in work and work-related skills required to perform the job;
- (b) Work site support that is intervention-oriented and designed to enhance work performance and modify inappropriate behaviors;
- (c) Supervision and monitoring of the person in the workplace;
- (d) Training in related skills essential to obtaining and maintaining employment, such as the effective use of community resources, break or lunch rooms, attendance and punctuality, mobility training, re-training as job responsibilities change, and attaining new jobs;
- (e) Monitoring and providing information and assistance regarding wage and hour requirements, appropriateness of job placement, integration into the work environment, and need for functional adaptation modifications at the job site;
- (f) Ongoing benefits counseling;
- (g) Consulting with other professionals and the person's family, as necessary; and
- (h) Providing support and training to the person's employer, co-workers, or supervisors so that they can provide workplace support, as necessary.

1933.17 Medicaid reimbursable long-term follow-along activities are stabilization services needed to support and maintain a person in an integrated competitive employment site or in their own business.

1933.18 Medicaid reimbursable long-term follow-along activities include, but are not limited to, the following:

- (a) Periodic monitoring of job stability;
- (b) Intervening to address issues that threaten job stability;
- (c) Providing re-training, cross-training, and additional supports as needed, when job duties change;

- (d) Facilitating integration and natural supports at the job site;
- (e) Benefits counseling prior to and after the person reaches Substantial Gainful Activity (SGA) to ensure a person maintains eligibility for benefits and that earnings are being properly reported; and
- (f) Facilitating job advancement, professional growth, and job mobility.

1933.19 Each provider of Medicaid reimbursable supported employment services shall be responsible for delivering ongoing supports to the person to promote job stability after they become employed. Once the person exhibits confidence to perform the job without a job coach present, the provider shall make a minimum of two (2) visits to the job site per month for the purpose of monitoring job stability.

1933.20 Medicaid reimbursable small group supported employment intake and assessment, and job placement services shall be billed for each person in the group on an individual basis. Small group supported employment services shall enable the person enrolled into the workforce to become part of an integrated work setting. Services eligible for Medicaid reimbursement shall include the following:

- (a) Job training and support in an integrated setting; and
- (b) Long-term follow-along services.

1933.21 When applicable, each provider of Medicaid reimbursable supported employment services shall coordinate with DDS and the employer to provide functional adaptive modifications for each person to accomplish basic work related tasks at the work site.

1933.22 When applicable, each provider of Medicaid reimbursable supported employment services shall coordinate with the employer to ensure that each person has an emergency back-up plan for job training and support.

1933.23 Each provider of Medicaid reimbursable supported employment services shall be a Waiver provider agency and shall comply with the following requirements:

- (a) Be a member of the person's Support team;
- (b) Be certified by the U.S. Department of Labor, if applicable; and
- (c) Comply with the requirements described under Section 1904 (Provider Qualifications) and Section 1905 (Provider Enrollment Process) of Chapter 19 of Title 29 of the DCMR.

1933.24 Each professional or paraprofessional providing Medicaid reimbursable supported employment services for a Waiver provider shall meet the requirements in Section

1906 (Requirements for Direct Support Professionals) of Chapter 19 of Title 29 of the District of Columbia Municipal Regulations (DCMR).

- 1933.25 Professionals authorized to provide Medicaid reimbursable supported employment activities without supervision shall include the following:
- (a) A Vocational Rehabilitation Counselor;
 - (b) An individual with a Master's degree and a minimum of one (1) year of experience working with persons with intellectual and developmental disabilities in supported employment;
 - (c) An individual with a bachelor's degree and two years of experience working with persons with intellectual and developmental disabilities in supported employment; or
 - (d) A Rehabilitation Specialist.
- 1933.26 Paraprofessionals shall be authorized to perform Medicaid reimbursable supported employment activities under the supervision of a professional. Supervision is not intended to mean that the paraprofessional performs supported employment activities in the presence of the professional, but rather that the paraprofessional has a supervisor who meets the qualifications of a professional as set forth in Section 1933.25.
- 1933.27 Paraprofessionals authorized to perform Medicaid reimbursable supported employment activities are as follows:
- (a) A Job Coach; or
 - (b) An Employment Specialist.
- 1933.28 Services shall be authorized for Medicaid reimbursement in accordance with the following Waiver provider requirements:
- (a) DDS provides a written service authorization before the commencement of services;
 - (b) The provider conducts a comprehensive vocational assessment and develops an individualized employment plan with training goals and techniques within the first two (2) hours of service delivery;
 - (c) The service name and provider delivering services are identified in the ISP and Plan of Care;
 - (d) The ISP, Plan of Care, and Summary of Supports and Services document the amount and frequency of services to be received;

- (e) Services shall not conflict with the service limitations described under Sections 1933.29-1933.38; and
 - (f) If extended services are required, the provider shall submit a supported employment extension request. The request is a written justification that must be submitted to the Service Coordinator at least fifteen (15) calendar days before the exhaustion of Supported Employment hours.
- 1933.29 Supported employment services shall not qualify for Medicaid reimbursement if the services are available to the person through programs funded under Title I of the Rehabilitation Act of 1973, enacted September 26, 1973, Section 110 (Pub. L. 93-112; 29 U.S.C. § 720 *et seq.*), or Section 602(16) and (17) of the Individuals with Disabilities Education Act, enacted October 30, 1990, 20 U.S.C. 1401 (16) and (71) (Pub. L. 91-230; 20 U.S.C. § 1400 *et seq.*), hereinafter referred to as the “Acts”.
- 1933.30 Court-ordered vocational assessments authorizing intake and assessment services qualify for Medicaid reimbursement under the Waiver if services provided through programs funded under the Acts referenced in Section 1933.29 cannot be provided in the timeframe set forth in the Court's Order.
- 1933.31 Medicaid reimbursement is available for supported employment services that are provided either exclusively as a vocational service or in combination with individualized day supports, employment readiness, or day habilitation services if provided during different periods of time, including during the same day.
- 1933.32 Medicaid reimbursement is not available if supported employment services are provided in specialized facilities that are not part of the general workforce. Medicaid reimbursement is not available for volunteer work.
- 1933.33 Medicaid reimbursable supported employment services shall not include payment for supervision, training, support, adaptations, or equipment typically available to other workers without disabilities in similar positions.
- 1933.34 Medicaid reimbursable supported employment services shall be provided for a maximum of eight (8) hours per day, five (5) days per week. The provider shall submit a supportive employment extension request to the Service Coordinator at least fifteen (15) calendar days before the exhaustion of supported employment hours. Failure to submit the request within the allotted time period may result in a denial of the request for services. Any denial of the request for services shall be accompanied by a written notice which meets the requirements set forth in 42 C.F.R. § 431.210 and D.C. Official Code § 4-205.55. A copy of the notice shall be maintained in the person’s records.
- 1933.35 Medicaid reimbursement is not available for incentive payments, subsidies, or unrelated vocational training expenses such as the following:

- (a) Incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment services program;
- (b) Payments that are processed and paid to users of supported employment service programs;
- (c) Payment for vocational training that is not directly related to the person's success in the supported employment services program; and
- (d) Payments to persons employed by the Waiver provider.

1933.36 In accordance with the provisions described under Section 1933.35(d), if a person receiving supported employment services secures employment with the Waiver provider, the employment shall not substitute for that person's full-time or part-time supported employment service in an integrated work setting.

1933.37 Medicaid reimbursement is not available for time spent in transportation to and from the employment program and shall not be included in the total amount of services provided per day. Time spent in transportation to and from the program for the purpose of training the person on the use of transportation services is Medicaid reimbursable and may be included in the number of hours of services provided per day for a period of time specified in the person's ISP and Plan of Care.

1933.38 Medicaid reimbursement shall only be available for adaptations, supervision and training for supported employment services provided at the work site in which persons without disabilities are employed. Medicaid reimbursement shall not be available for supervisory activities, which are rendered as a normal part of the business setting.

1933.39 Medicaid reimbursable intake and assessment activities shall be billed at the unit rate. This service shall not exceed three-hundred and twenty (320) units or eighty (80) hours annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate shall be forty-two dollars and sixty-eight cents (\$42.68) per hour if performed by a professional listed in Section 1933.25 of this rule. The Medicaid reimbursement rate shall be twenty-five dollars and thirty-two cents (\$25.32) per hour if performed by a paraprofessional listed in Section 1933.26 under the supervision of a professional.

1933.40 Medicaid reimbursable job placement activities shall be billed at the unit rate. This service shall not exceed nine-hundred and sixty (960) units or two-hundred and forty (240) hours annually. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill for one (1) unit of service. The Medicaid reimbursement rate shall be forty-two dollars and sixty-eight cents (\$42.68) per hour when performed by a professional listed in Section 1933.25 of this rule. The Medicaid reimbursement

rate shall be twenty-five dollars and thirty-two cents (\$25.32) per hour if performed by a paraprofessional listed in Section 1933.26 under the supervision of a professional.

- 1933.41 Medicaid reimbursable job training and support activities shall not exceed one thousand, two-hundred and eighty (1280) units per ISP year.
- 1933.42 Medicaid reimbursable follow-along activities shall not exceed one-thousand four hundred and eight (1408) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate for both professionals and paraprofessionals shall be five dollars and twenty-two cents (\$5.22) per unit and twenty dollars and eighty eight cents (\$20.88) per hour.
- 1933.43 If extended job placement services, job training, support activities, and follow-along activities are required, the provider shall submit a written justification in support of the extended services to the DDS Service Coordinator and the DDA waiver office a minimum of fifteen (15) business days before the exhaustion of the approved services. Failure to submit the request within the allotted time period may result in a denial of the approval of services. Any denial of the request for services shall be accompanied by a written notice which meets the requirements set forth in 42 C.F.R. § 431.210 and D.C. Official Code § 4-205.55. A copy of the notice shall be maintained in the person's records. Services shall continue if DDS does not respond to the written request within ten (10) business days of receipt.
- 1933.44 Medicaid reimbursable small group supported employment services related job training and support activities shall not exceed one-thousand, two-hundred and eighty (1280) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate shall be three dollars and eighty one cents (\$3.81) per billable unit or fifteen dollars and twenty four cents (\$15.24) per hour, when performed by a professional or paraprofessional listed in Sections 1933.25 and 1933.26.
- 1933.45 Medicaid reimbursable small group supported employment related long-term follow-along activities shall not exceed one-thousand four-hundred and eight (1408) units per ISP year. A standard unit of service is fifteen (15) minutes and the provider shall provide at least eight (8) continuous minutes of service to bill one (1) unit of service. The Medicaid reimbursement rate for both professionals and paraprofessionals shall be five dollars and twenty-two cents (\$5.22) per unit and twenty dollars and eighty-eight cents (\$20.88) per hour. Job coach services may be billed while supporting a group of two (2) to eight (8) people enrolled in the Waiver.

Section 1999 (DEFINITIONS) is amended by adding the following:

Employment Specialist - An individual with a four-year college degree and a minimum of one (1) year of experience in a supported employment program or equivalent; an individual with a four-year college degree and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization; or a high school graduate with three (3) years of experience in a supported employment program or equivalent.

Group Supported Employment - An integrated setting in competitive employment in which a group of two to four individuals or four to eight individuals are working at a particular work setting. The individuals may be disbursed throughout the company or among workers without disabilities.

Individual Supported Employment - A supported employment strategy in which a job coach places a person into competitive or customized employment through a job discovery process, provides training and support, and then gradually reduces time and assistance at the work site.

Integrated Work Setting - A work setting that provides a person enrolled in the Waiver with daily interactions with other employees without disabilities and/or the general public.

Job Coach – An individual with a four-year college degree and a minimum of one (1) year of experience in a supported employment program or equivalent; an individual with a college degree in a social services discipline and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization; or an individual with a high school degree and three (3) years of experience in a supported employment program, or equivalent.

Long-term follow along activities - Ongoing support services considered necessary to assure job retention.

Person centered –An approach that focuses on what is important to the individual based on his or her needs, goals, and abilities rather than using a general standard applicable to all people.

Rehabilitation Specialist - An individual with a Master's degree in Rehabilitation Counseling or a similar degree from an accredited university; an individual with a Master's degree in a social services discipline and a minimum of one (1) year of experience in a supported employment program or equivalent; or an individual with a Master's degree in a social services discipline and certification

from the Commission on Rehabilitation Counselor Certification or a similar national organization.

Situational Assessment - A type of assessment that provides the person an opportunity to explore job tasks in work environments in the community to identify the type of employment that may be beneficial to the person and the support required by each person to succeed in his/her work environment. This assessment shall include observation of the person at the work site, identification of work site characteristics, training procedures, identification of supports needed for the person, and recommendations and plans for future services, including the appropriateness of continuing supported employment.

Substantial Gainful Activity (SGA) - Activities that the person is engaged in that result in a sum earnings greater than a fixed monthly amount, set by federal standards and determined by the nature of one's disability and the national wage index.

Vocational Assessment - An assessment designed to assist a person, their family and service providers with specific employment related data that will generate positive employment outcomes. The assessment should address the person's life, relationships, challenges, and perceptions as they relate to potential sources of community support and mentorship.

Vocational Rehabilitation Counselor - An individual with a Master's degree in Vocational Counseling, Vocational Rehabilitation Counseling or a similar degree from an accredited university; an individual with a Master's degree in a social services discipline and a minimum of one (1) year of experience in a supported employment program or equivalent; or an individual with a Master's degree in a social services discipline and certification from the Commission on Rehabilitation Counselor Certification or a similar national organization.

Comments on these proposed rules shall be submitted, in writing, to Linda Elam, Ph.D., Senior Deputy Director/State Medicaid Director, Department of Health Care Finance, 441 4th Street, NW, Suite 900, Washington, D.C. 20001, via telephone at (202) 442-9115, via email at DHCFPubliccomments@dc.gov, or online at www.dcregs.dc.gov, within thirty (30) days after the date of publication of this notice in the *D.C. Register*. Copies of these proposed rules may be obtained from the above address.

**ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD**

**NOTICE OF MEETING
INVESTIGATIVE AGENDA**

**WEDNESDAY, FEBRUARY 26, 2014
2000 14TH STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009**

On February 26, 2014 at 4:00 pm, the Alcoholic Beverage Control Board will hold a closed meeting regarding the matters identified below. In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed “to plan, discuss, or hear reports concerning ongoing or planned investigations of alleged criminal or civil misconduct or violations of law or regulations.”

1. Case#14-AUD-00010 Miriam's Cafeteria, 3931 14TH ST NW Retailer C Restaurant, License#: ABRA-075536

2. Case#14-CMP-00045 Fiesta Restaurant and Lounge, 1327 Connecticut AVE NW Retailer C Restaurant, License#: ABRA-000882

3. Case#14-AUD-00007 Millie's And Al's Ballances Columbia Restaurant, 2440 18TH ST NW Retailer C Restaurant, License#: ABRA-000460

4. Case#13-AUD-00073(a) Johnny Rockets, 3131 M ST NW Retailer C Restaurant, License#: ABRA-081606

5. Case#14-CMP-00069 Stadium, 2127 QUEENS CHAPEL RD NE Retailer C Nightclub, License#: ABRA-082005

6. Case#14-AUD-00009 Maddy's Bar and Grille, 1726 CONNECTICUT AVE NW Retailer C Restaurant, License#: ABRA-082036

7. Case#13-AUD-00070(a) B Cafe/Brookland Cafe, 3740 12TH ST NE Retailer C Restaurant, License#: ABRA-083121

8. Case#14-CMP-00049 The Queen Vic, 1206 H ST NE Retailer C Tavern, License#: ABRA-083930

9. Case#14-AUD-00011 Smith Commons, 1245 H ST NE Retailer C Restaurant, License#: ABRA-084598

10. Case#14-AUD-00006 Red Line, 707 G ST NW Retailer C Restaurant, License#: ABRA-085225

11. Case#14-AUD-00008 Molly Malone's, 713 8TH ST SE Retailer C Restaurant, License#: ABRA-086148

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LEGAL AGENDA

WEDNESDAY, FEBRUARY 26, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review of Settlement Agreement dated February 4, 2014 between ANC 5C and Ekho Events, Inc. *EchoStage*, 2135 Queens Chapel Road NE, Retailer CN, Lic#: 90250.

2. Review of Settlement Agreement dated February 4, 2014 between ANC 5C and Premier Wines LLC. *Premier Wines*, 2414 Douglas Street NE, Retailer A, Lic#: 93868.

3. Review of Four (4) Request from E & J Gallo to provide retailers with products valued at more than \$50 and less than \$500.

4. Review of One (1) Request from North American Breweries to provide retailers with products valued at more than \$50 and less than \$500.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

ALCOHOLIC BEVERAGE REGULATION ADMINISTRATION
ALCOHOLIC BEVERAGE CONTROL BOARD

NOTICE OF MEETING
LICENSING AGENDA

WEDNESDAY, FEBRUARY 26, 2014 AT 1:00 PM
2000 14th STREET, N.W., SUITE 400S, WASHINGTON, D.C. 20009

1. Review application for new Retailer Class B Grocery. No outstanding fines/citations. No pending enforcement matters. No Voluntary Agreement. ANC 5D. SMD 5D05. *Aldi*, 901 17th Street NE, Retailer B Grocery, License No. 94098.

2. Review Request for Change of Hours for Sidewalk Cafe. *Approved Hours of Operation, Sales and Consumption*: Sunday 5pm to 10pm, Monday-Friday 11:30am to 10pm, Saturday 11:30am to 11pm. *Proposed Hours of Operation, Sales and Consumption (Sidewalk Café)*: Wednesday (only) 11:30am to 11pm. No pending enforcement matters. No outstanding fines/citations. No conflict with Voluntary Agreement. ANC 2B. SMD 2B08. *Regent Thai Cuisine*, 1910 18th Street NW, Retailer CR, License No. 71021.

3. Review Request for Change of Hours of Operation. *Approved Hours of Operation and Sales*: Sunday-Saturday 9am to 12am. *Proposed Hours of Operation and Sales*: Sunday-Saturday 7am to 12am. No pending enforcement matters. No outstanding fines/citations. No conflict with Voluntary Agreement. ANC 7D. SMD 7D04. *Thomas & Sons*, 3425 Benning Road NE, Retailer B Grocery CR, License No. 75185.

4. Review Request for New Class C Tavern License. No outstanding fines/citations. No pending enforcement matters. No Voluntary Agreement. ANC 1A. SMD 1A10. *Colony Club LLC t/a TBD*, 3118 Georgia Avenue NW, Retailer CT, License No. 94321.

*** In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, this portion of the meeting will be closed for deliberation and to consult with an attorney to obtain legal advice. The Board's vote will be held in an open session, and the public is permitted to attend.**

DC MAYOR'S OFFICE ON ASIAN AND PACIFIC ISLANDER AFFAIRS**DC MAYOR'S COMMISSION ON ASIAN AND
PACIFIC ISLANDER AFFAIRS****NOTICE OF REGULAR MEETING**

The DC Mayor's Commission on Asian and Pacific Islander Affairs will be holding its regular meeting on Thursday, February 27, 2014 at 6:30 pm.

The meeting will be held at the OAPIA office at One Judiciary Square, 441 4th Street NW, Suite 721N, Washington, DC 20001. The location is closest to the Judiciary Square metro station on the red line of the Metro. All commission meetings are open to the public. If you have any questions about the commission or its meetings, please contact oapia@dc.gov or Andrew Chang at andrew.chang@dc.gov. Telephone: (202) 727-3120.

The DC Commission on Asian and Pacific Islander Affairs convenes monthly meetings to discuss current issues affecting the DC AAPI community.

CREATIVE MINDS INTERNATIONAL PUBLIC CHARTER SCHOOL**REQUESTS FOR PROPOSALS****Architect**

Creative Minds International PCS, in compliance with Section 2204 (c) of the District Of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest for competitive bids for an architect to provide space plans and drawings to renovate around 25,000 square feet of an historic DC government property building on 3 floors for an elementary school campus. Proposals must include suggested rates, evidence of experience, drawings, engineering plans and references. Deadline for submissions is close of business. February 28, 2014.

For additional information and Statements of Work email James Lafferty-Furphy at procurement@creativemindspcs.org. Deadline for submissions is February 28, 2014. Please email proposals and supporting documents to procurement@creativemindspcs.org no later than 5:00 p.m. February 28, 2014. Creative Minds International PCS reserves the right to cancel this RFP at any time.

Project Management Services

Creative Minds International PCS, in compliance with Section 2204 (c) of the District Of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest for project management services for the rehabilitation and renovation of around 25,000 square feet in an historic DC government property building on 3 floors for an elementary school campus. Must have five years of demonstrated experience in project management of school facilities construction in Washington, DC. Additional consideration will be given to CBE firms.

For additional information and Statements of Work email James Lafferty-Furphy at procurement@creativemindspcs.org. Deadline for submissions is February 28, 2014. Please email proposals and supporting documents to procurement@creativemindspcs.org no later than 5:00 p.m. February 28, 2014. Creative Minds International PCS reserves the right to cancel this RFP at any time.

General Contractor

Creative Minds International PCS, in compliance with Section 2204 (c) of the District Of Columbia School Reform Act of 1995 (“Act”), hereby solicits expressions of interest for General Contractor Services who will provide renovations to around 25,000 square feet in an historic DC government property building on 3 floors for an elementary school campus.

For additional information and Statements of Work email James Lafferty-Furphy at procurement@creativemindspcs.org. Deadline for submissions is February 28, 2014. Please email proposals and supporting documents to procurement@creativemindspcs.org no later than 5:00 p.m. February 28, 2014. Creative Minds International PCS reserves the right to cancel this RFP at any time.

E.L. HAYNES PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS**

The E.L. Haynes Public Charter School is seeking bids in the E-rate 470 application from prospective candidates to provide Information and Communication Technology services in the areas of:

- Telecommunication Services
- Internal Connections Other Than Basic Maintenance
- Basic Maintenance Of Internal Connections

To obtain an electronic copy of the full Request for Proposal (RFP), send an email to erate@elhaynes.org specifying the RFP service request type(s) in the subject heading.

The deadline for submissions is March 21, 2014 at 5pm.

Please e-mail proposals and supporting documents to rtroncoso@elhaynes.org.

OFFICE OF THE STATE SUPERINTENDENT OF EDUCATION

REQUEST FOR APPLICATIONS

FY 2013-2014 Teacher Quality Improvement Grant Program

Notice of Funds Availability

The District of Columbia Office of the State Superintendent of Education (OSSE) is soliciting applications for the development and provision of professional development programs aimed at enhancing student achievement in eligible Local Educational Agencies (LEAs). The purpose of these professional development programs will be to ensure that teachers, highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the core academic subjects they teach, and build upon the skills necessary to help students master core academic subjects. The Teacher Quality Improvement Grant Program is authorized under Part A, Subpart 3 of Title II of the Elementary and Secondary Education Act of 1965 (ESEA), as amended – Teacher and Principal Training and Recruiting Fund.

Available Funding for Awards: The amount available for this award period is approximately \$378,482.

Anticipated Number and Amount of Awards: Historically, grants have ranged in the amount of \$50,000 to approximately \$100,000.

Award Period: The grant period will be from the date of award until September 30th, 2015.

Eligibility: The Teacher Quality Improvement Grant Program is a partnership grant. An eligible application must include the following principal partners at a minimum:

- (1) a private or State IHE and the division of the institution that prepares teachers and principals;
- (2) a school of arts and sciences; and
- (3) a high need LEA.

State Application Priority The District of Columbia Office of the State Superintendent of Education (OSSE) has aligned federal priorities of the Teacher Quality Improvement grant program with the following areas of focus, identified as OSSE priorities for this grant funding opportunity. Grant applications that are awarded funding during the 2013-2014 cycle will describe proposed programs which substantially address one or both of the following focus areas:

1. **Professional development programs aimed at supporting the creation of high-quality induction systems for new teachers of core subject areas.** Funding may also be used to support implementation or revision of already-existing induction systems. These initiatives shall target a majority of teachers and/or principals in Developing, Focus, and/or Priority schools (see Attachment J for a list of schools that meet this

criteria); and/or a majority of teachers rated as effective or minimally effective per the LEA's evaluation system, with professional development geared to move these teachers toward earning highly effective ratings. Programs designed under this option will demonstrate how they intend to be used as a model to support effective instruction across the District of Columbia.

2. **Professional development programs aimed at supporting teachers rated as effective or minimally effective in improving to highly effective, per the LEA's evaluation system.** Prospective applicants may consider the formation of a consortium of multiple LEAs with the intent of developing a corps of highly-effective master educators who are proficient in using challenging State academic content standards, student academic achievement standards, and State assessments to improve instructional practices and student achievement with the intent of helping other teachers become highly effective.

Special consideration will be given to:

- a. Development and/or implementation of induction systems with a STEM (Science, Technology, Engineering, and/or Mathematics) focus, that support implementation of NGSS or Common Core Mathematics Standards.
- b. Applications which include, as a part of program design, delivery of seminars, workshops, and/or other presentations on the topic of effective teaching, to an audience which includes members of the OSSE staff, or that can be published on OSSE's website as part of an ongoing repository of educational information.

The Request for Applications (RFA) will be released on Friday, February 7th, 2014 and **the deadline for submission is Friday, March 14th, 2014 at 5:00pm.** The RFA will be available on OSSE's website, www.osse.dc.gov, and/or by contacting the OSSE Division of Elementary and Secondary Education at (202) 741-5095.

A Pre-Application Conference will be held on Thursday, February 20th, 2014 from 1:00pm to 2:30pm. You may RSVP by emailing Tanisha Brown at tanisha.brown@dc.gov. Upon contacting OSSE to RSVP, prospective applicants will receive specific location information. **It is strongly recommended that applying organizations attend the pre-application webinar.**

Prospective applicants may download a copy of the request for applications from the OSSE website at the following link:

<http://osse.dc.gov/service/fy-2013-2014-teacher-quality-improvement-grant-program>

Applicants are also encouraged to telephone or email questions to Tanisha Brown via telephone at 202-741-5095 or email tanisha.brown@dc.gov **no later than Friday, March 14th, 2014.** Questions submitted after this deadline will not be identified for a response.

BOARD OF ELECTIONS**CERTIFICATION OF ANC/SMD VACANCY**

The District of Columbia Board of Elections hereby gives notice that there is a vacancy in one (1) Advisory Neighborhood Commission office, certified pursuant to D.C. Official Code § 1-309.06(d)(2); 2001 Ed; 2006 Repl. Vol.

VACANT: 1B08

Petition Circulation Period: **Monday, February 24, 2014 Monday, March 17, 2014**

Petition Challenge Period: **Thursday, March 20, 2014 thru Wednesday, March 26, 2014**

Candidates seeking the Office of Advisory Neighborhood Commissioner, or their representatives, may pick up nominating petitions at the following location:

**D.C. Board of Elections
441 - 4th Street, NW, Room 250N
Washington, DC 20001**

For more information, the public may call **727-2525**.

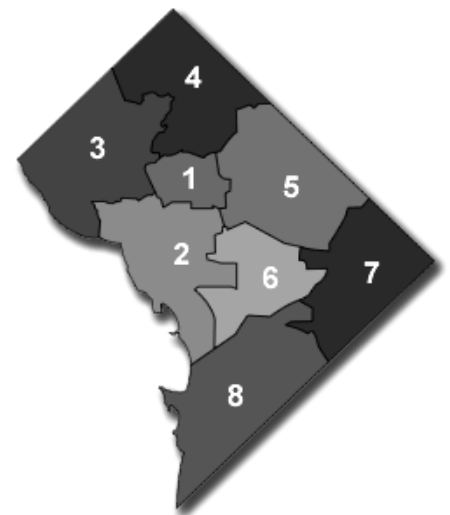
**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION SUMMARY
As Of JANUARY 31, 2014**

WARD	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	40,854	2,581	700	34	123	11,243	55,535
2	28,155	5,468	213	44	119	10,677	44,676
3	35,179	6,711	339	31	95	11,075	53,430
4	45,227	2,161	497	14	132	8,753	56,784
5	47,603	1,898	534	21	139	8,276	58,471
6	47,935	5,981	502	49	156	12,150	66,773
7	47,812	1,222	433	2	107	6,833	56,409
8	45,140	1,229	404	8	161	7,145	54,087
Totals	337,905	27,251	3,622	203	1,032	76,152	446,165
Percentage By Party	75.74%	6.11%	.81%	.05%	.23%	17.07%	100.00%

**DISTRICT OF COLUMBIA BOARD OF ELECTIONS MONTHLY REPORT OF
VOTER REGISTRATION STATISTICS AND REGISTRATION TRANSACTIONS
AS OF THE END OF JANUARY 31, 2014**

COVERING CITY WIDE TOTALS BY:
WARD, PRECINCT AND PARTY

ONE JUDICIARY SQUARE
441 4TH STREET, NW SUITE 250N
WASHINGTON, DC 20001
(202) 727-2525
<http://www.dcboee.org>



D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 1 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
20	1,259	29	6	1	7	188	1,490
22	3,460	302	28	4	8	930	4,732
23	2,604	161	53	3	4	708	3,533
24	2,312	213	32	3	7	740	3,307
25	3,532	395	64	3	6	1,073	5,073
35	3,261	196	60	0	8	974	4,499
36	3,970	263	62	2	9	1,131	5,437
37	2,968	122	49	1	7	670	3,817
38	2,513	127	51	3	8	707	3,409
39	3,961	205	84	5	12	987	5,254
40	3,716	207	92	2	19	1,115	5,151
41	3,147	186	59	5	15	1,007	4,419
42	1,685	61	29	2	6	457	2,240
43	1,582	63	22	0	3	352	2,022
137	884	51	9	0	4	204	1,152
TOTALS	40,854	2,581	700	34	123	11,243	55,535

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 2 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
2	660	143	7	0	9	410	1,229
3	1,261	353	14	3	13	616	2,260
4	1,598	447	7	2	5	769	2,828
5	2,045	664	15	3	9	844	3,580
6	2,271	921	22	2	16	1,261	4,493
13	1,306	262	7	1		477	2,053
14	2,721	442	25	5	10	987	4,190
15	2,853	313	20	5	11	871	4,073
16	3,340	357	24	7	12	898	4,638
17	4,646	640	38	7	17	1,578	6,926
129	1,818	308	12	4	5	727	2,874
141	2,126	237	11	3	7	631	3,015
143	1,510	381	11	2	5	608	2,517
TOTALS	28,155	5,468	213	44	119	10,677	44,676

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 3 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
7	1,159	379	17	0	3	531	2,089
8	2,224	620	23	2	7	728	3,604
9	1,089	490	7	2	6	461	2,055
10	1,647	412	11	1	8	607	2,686
11	3,198	912	39	3	6	1,322	5,480
12	457	189	2	0	2	211	861
26	2,771	347	27	3	3	913	4,064
27	2,340	279	16	2	5	592	3,234
28	2,167	508	31	4	6	745	3,461
29	1,125	228	11	0	5	371	1,740
30	1,190	217	16	1	4	268	1,696
31	2,255	315	20	0	9	555	3,154
32	2,579	316	21	1	3	603	3,523
33	2,749	327	33	5	9	722	3,845
34	3,413	491	25	3	6	1,153	5,091
50	1,975	287	14	3	9	467	2,755
136	831	118	8	1		321	1,279
138	2,010	276	18	0	4	505	2,813
TOTALS	35,179	6,711	339	31	95	11,075	53,430

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 4 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
45	2,041	72	40	4	7	429	2,593
46	2,649	61	29	0	10	508	3,257
47	2,757	141	32	3	10	695	3,638
48	2,588	126	30	0	8	556	3,308
49	820	37	17	0	4	179	1,057
51	3,113	542	21	0	7	647	4,330
52	1,223	174	4	0	3	225	1,629
53	1,182	75	19	0	4	257	1,537
54	2,216	87	33	0	4	458	2,798
55	2,261	69	21	1	7	414	2,773
56	2,907	86	31	0	10	653	3,687
57	2,385	75	32	1	14	428	2,935
58	2,197	54	16	1	2	368	2,638
59	2,469	79	32	2	9	398	2,989
60	2,071	74	22	1	7	654	2,829
61	1,539	49	12	0	1	280	1,881
62	3,032	124	28	0	2	357	3,543
63	3,240	123	48	0	11	622	4,044
64	2,121	54	12	1	5	313	2,506
65	2,416	59	18	0	7	312	2,812
Totals	45,227	2,161	497	14	132	8,753	56,784

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 5 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
19	3,788	173	54	5	8	909	4,937
44	2,732	200	26	4	12	628	3,602
66	4,318	100	39	1	9	486	4,953
67	2,877	99	25	0	7	392	3,400
68	1,833	131	28	3	8	379	2,382
69	2,057	69	16	0	9	259	2,410
70	1,403	64	18	1	2	215	1,703
71	2,276	57	28	1	7	341	2,710
72	4,211	111	24	0	14	723	5,083
73	1,804	86	31	3	7	344	2,275
74	3,905	177	54	0	10	769	4,915
75	3,045	127	50	1	4	669	3,896
76	1,277	57	12	0	4	244	1,594
77	2,646	92	27	0	6	467	3,238
78	2,753	78	33	0	8	424	3,296
79	1,816	68	16	1	8	303	2,212
135	2,847	173	43	1	12	519	3,595
139	2,015	36	10	0	4	205	2,270
TOTALS	47,603	1,898	534	21	139	8,276	58,471

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 6 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
1	3700	385	44	1	13	994	5,137
18	3,972	244	39	2	13	856	5,126
21	1,102	58	18	2	3	242	1,425
81	4,486	332	45	3	14	942	5,822
82	2,421	259	26	2	10	554	3,272
83	3,579	417	33	7	10	906	4,952
84	1,887	414	25	4	8	550	2,888
85	2,536	480	25	3	7	744	3,795
86	2,205	267	26	0	7	504	3,009
87	2,614	222	20	1	9	543	3,409
88	2,077	288	15	0	8	525	2,913
89	2,430	663	21	5	5	780	3,904
90	1,549	266	12	1	5	480	2,313
91	3,925	357	37	4	16	943	5,282
127	3,643	251	50	4	12	769	4,729
128	2,094	183	29	3	7	583	2,899
130	779	315	9	2	2	291	1,398
131	1,649	426	12	4	5	583	2,679
142	1,287	154	16	1	2	361	1,821
TOTALS	47,935	5,981	502	49	156	12,150	66,773

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 7 REGISTRATION SUMMARY
As Of JANUARY 31, 2014

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
80	1,387	71	14	0	7	260	1,739
92	1,589	37	11	1	6	245	1,889
93	1,529	41	16	0	4	216	1,806
94	1,986	48	16	0	1	268	2,319
95	1,651	43	16	0		297	2,007
96	2,327	67	24	0	7	365	2,790
97	1,500	33	13	0	3	199	1,748
98	1,790	41	25	0	4	254	2,114
99	1,471	43	15	0	5	229	1,763
100	2,142	42	14	0	4	266	2,468
101	1,662	31	19	0	5	180	1,897
102	2,470	51	27	0	6	314	2,868
103	3,590	91	36	0	12	568	4,297
104	2,945	77	27	0	10	439	3,498
105	2,387	55	23	0	3	384	2,852
106	2,943	66	22	0	6	442	3,479
107	1,907	57	18	0	4	291	2,277
108	1,111	25	6	0		120	1,262
109	930	32	7	0	1	89	1,059
110	3,657	91	27	1	7	414	4,197
111	2,452	60	23	0	7	358	2,900
113	2,213	62	19	0	2	282	2,578
132	2,173	58	15	0	3	353	2,602
TOTALS	47,812	1,222	433	2	107	6,833	56,409

**D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
WARD 8 REGISTRATION SUMMARY
As Of JANUARY 31, 2014**

PRECINCT	DEM	REP	STG	LIB	OTH	N-P	TOTALS
112	2,064	54	8	1	8	292	2,427
114	3,129	106	26	1	17	502	3,781
115	2,879	68	18	1	9	608	3,583
116	3,811	99	38	0	13	562	4,523
117	1,861	45	14	0	9	285	2,214
118	2,670	69	26	1	9	387	3,162
119	2,858	109	39	3	10	552	3,571
120	1,931	39	20	0	4	317	2,311
121	3,276	73	33	1	13	489	3,885
122	1,776	45	18	0	5	253	2,097
123	2,233	90	22	0	11	342	2,698
124	2,585	61	14	0	4	365	3,029
125	4,739	119	42	0	11	739	5,650
126	3,867	112	39	0	19	694	4,731
133	1,387	41	10	0	5	186	1,629
134	2,142	40	25	0	5	267	2,479
140	1,932	59	12	0	9	305	2,317
TOTALS	45,140	1,229	404	8	161	7,145	54,087

D.C. BOARD OF ELECTIONS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS
CITYWIDE REGISTRATION ACTIVITY

For voter registration activity between 12/31/2013 and 1/31/2014

NEW REGISTRATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Beginning Totals	336,779	27,132	3,604	193	1,030	75,758	444,496
Board of Elections Over the Counter	22	1	1	1	0	3	28
Board of Elections by Mail	72	2	0	0	1	36	111
Board of Elections Online Registration	96	8	2	1	0	18	125
Department of Motor Vehicle	970	133	15	6	2	359	1,485
Department of Disability Services	0	0	0	0	0	0	0
Office of Aging	0	0	0	0	0	0	0
Federal Postcard Application	0	0	0	0	0	1	1
Department of Parks and Recreation	0	0	0	0	0	0	0
Nursing Home Program	1	1	0	0	0	3	5
Dept. of Youth Rehabilitative Services	0	0	0	0	0	0	0
Department of Corrections	3	0	0	0	0	1	4
Department of Human Services	13	1	0	0	0	7	21
Special / Provisional	0	0	0	0	0	0	0
All Other Sources	33	1	0	1	0	10	45
+Total New Registrations	1,210	147	18	9	3	438	1,825

ACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Reinstated from Inactive Status	407	50	6	0	3	143	609
Administrative Corrections	7	0	0	0	135	205	347
+TOTAL ACTIVATIONS	414	50	6	0	138	348	956

DEACTIVATIONS	DEM	REP	STG	LIB	OTH	N-P	TOTAL
Changed to Inactive Status	331	35	3	0	2	87	458
Moved Out of District (Deleted)	3	2	0	0	0	1	6
Felon (Deleted)	9	0	0	0	0	0	9
Deceased (Deleted)	13	5	0	0	0	1	19
Administrative Corrections	381	32	9	10	0	56	488
-TOTAL DEACTIVATIONS	737	74	12	10	2	145	980

AFFILIATION CHANGES	DEM	REP	STG	LIB	OTH	N-P	
+ Changed To Party	349	28	17	14	4	96	
- Changed From Party	-110	-32	-11	-3	-141	-343	
ENDING TOTALS	337,905	27,251	3,622	203	1,032	76,152	446,165

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6353-R1 to The George Washington University (GWU) to operate one Kohler emergency diesel generator, located in Washington, DC. The contact person for the facility is James Schrote, Executive Director, Facilities Services, at (202) 994-0543.

Emergency Generator to be Permitted

Equipment Location	Address	Generator (Engine) Size	Engine Serial Number	Permit No.
JBKO - Hall	2222 I Street NW Washington, DC 20052	100 kW (134 hp)	PE405L117094	6353-R1

The proposed emission limits are as follows:

- a. Emissions shall not exceed those found in the following table, as measured according to the procedures set forth in 40 CFR 89, Subpart E. [40 CFR 60.4205(b), 40 CFR 60.4202(a)(2) and 40 CFR 89.112(a)]

Emission Standards	
Pollutant	g/kW-hr
NMHC+NO _x	4.0
CO	5.0
PM	0.30

- b. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- c. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated maximum emissions from the emergency generator are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	1.08	0.270
Oxides of Nitrogen (NO _x)	5.01	1.25
Total Particulate Matter , PM (Total)	0.352	0.0880
Volatile Organic Compounds (VOCs)	0.409	0.102
Sulfur Dioxide (SO _x)	0.00175	0.000438

The application to construct and operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after March 24, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

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Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue Permit #6803 to FedEx Express DCAA to operate one Kohler emergency diesel generator engine, located in Washington, DC. The contact person for the facility is Karen Ellis, Managing Director, Global Environmental Management, at (202) 636-0700.

Emergency Generator to be Permitted

Equipment Location	Address	Generator Size	Engine Size	Permit No.
FedEx Express DCAA Facility	1501 Eckington Pl, NE Washington, DC 20019	465 kW	624 hp	6803

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from the generator, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the emergency generator are as follows:

Pollutant	Emission Rate (lb/hr)	Maximum Annual Emissions (tons/yr)
Carbon Monoxide (CO)	3.43	0.86
Oxides of Nitrogen (NO _x)	14.97	3.74
Total Particulate Matter , PM (Total)	0.44	0.11
Volatile Organic Compounds (VOCs)	0.44	0.11
Sulfur Dioxide (SO _x)	0.008	0.002

The application to operate the emergency generator and the draft permit and supporting documents are available for public inspection at AQD and copies may be made available

between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments or hearing requests postmarked after March 24, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6841 to Potomac Creek Associates, L.L.C. to operate one (1) 160 hp diesel-fired emergency fire pump at 490 L'Enfant Plaza East, SW, Washington DC 20024. The contact person for the facility is Tim Scanlin, Chief Engineer, at 202 485-3354.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this fire pump, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the fire pump are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM) (Total)	0.09
Sulfur Dioxide (SO ₂)	0.08
Nitrogen Oxides (NO _x)	1.24
Volatile Organic Compounds (VOC)	0.10
Carbon Monoxide (CO)	0.27

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after March 24, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2014

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE), located at 1200 First Street NE, 5th Floor, Washington, DC, intends to issue air quality permit #6842 to Potomac Creek Associates, L.L.C. to operate one (1) 185 kW diesel-fired emergency fire pump at 955 L'Enfant Plaza North, SW, Washington DC 20024. The contact person for the facility is Tim Scanlin, Chief Engineer at 202 485-3354.

The proposed emission limits are as follows:

- a. Visible emissions shall not be emitted into the outdoor atmosphere from this fire pump, except that discharges not exceeding forty percent (40%) opacity (unaveraged) shall be permitted for two (2) minutes in any sixty (60) minute period and for an aggregate of twelve (12) minutes in any twenty-four hour (24 hr.) period during start-up, cleaning, adjustment of combustion controls, or malfunction of the equipment [20 DCMR 606.1]
- b. An emission into the atmosphere of odorous or other air pollutants from any source in any quantity and of any characteristic, and duration which is, or is likely to be injurious to the public health or welfare, or which interferes with the reasonable enjoyment of life or property is prohibited. [20 DCMR 903.1]

The estimated emissions from the fire pump are as follows:

Pollutant	Maximum Annual Emissions (tons/yr)
Particulate Matter (PM) (Total)	0.10
Sulfur Dioxide (SO ₂)	0.09
Nitrogen Oxides (NO _x)	1.43
Volatile Organic Compounds (VOC)	0.11
Carbon Monoxide (CO)	0.31

The permit application and supporting documentation, along with the draft permit are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments or may request a public hearing on this subject within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining

the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments on the proposed permit and any request for a public hearing should be addressed to:

Stephen S. Ours
Chief, Permitting Branch
Air Quality Division
District Department of the Environment
1200 First Street NE, 5th Floor
Washington, DC 20002
Stephen.Ours@dc.gov

No written comments postmarked after March 24, 2014 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DEPARTMENT OF FORENSIC SCIENCES

NOTICE OF PUBLIC MEETING

On March 3, 2014, the Department of Forensic Sciences will be hosting the first meeting of the Science Advisory Board in the Hayward Bennett Room at the Consolidated Forensic Laboratory, 401 E Street SW, Washington, DC 20024. The meeting will commence at 9:00 a.m. Any questions should be directed to Herb Thomas, 202.7278267. Mr. Thomas can also be reached at Herbert.Thomas@dc.gov.

DC Department of Forensic Sciences Science Advisory Board Meeting

3 MAR 14

8:30-8:45	Introductions	Houck
8:45-9:15	Swearing in of Board	OBC
9:15-9:30	Board election of Chair	Board
9:30-10:00	Overview of DFS	Houck
10:00-11:30	Tour of DFS and CFL	Houck/Maguire
11:30-1:00	Working Lunch	
	3-year literature review commentary (Sec 13.3)	Houck
	Reports on allegations (Sec 13.1)	Houck/Funk
	Qualifications (Sec 13.4(D))	Houck
1:00-2:00	Review of Program Standards (Sec 13.2)	Maguire
2:00-3:30	Review of New and Existing Programs	
	Quality and Timeliness of forensic services (Sec 14.4 (A))	Houck
	Plans for:	
	Programs (Sec. 14.4 (C) and Sec 14 (C)(i))	Houck
	FSL Digital Evidence Unit (DEU)	
	FSL Materials Analysis Unit (MAU)	
	PHL FORESIGHT approach for public health	
	Potential Programs	

	Sustaining Existing Programs (Sec 14.4 (C)(ii)	Maguire
	Improving Programs (Sec 14.4 (C)(iii)	Maguire
	Elimination of Programs (Sec 14.4 (C)(iv)	Maguire
3:30-4:00	Concluding remarks; scheduling of next meetings	Board Chair
4:00	Adjournment	

HARMONY DC PUBLIC CHARTER SCHOOLS
REQUESTS FOR PROPOSALS

Harmony DC Public Charter Schools requests proposals for **All School Services** such as:

- Custodial
- Janitorial
- Maintenance
- Construction and renovation
- Accounting
- Auditing
- Food
- Legal
- Transportation
- Computers for classrooms
- Laptops for teachers
- Classroom furniture
- Textbooks
- Instructional software
- IT services
- Curriculum development consulting
- PD services
- Health insurance benefits for employees from health insurance providers
- Retirement benefits for employees from retirement system providers,
- Special education related services etc.

Harmony DC Public Charter Schools is seeking competitive bids for the above services. Bids must include evidence of experience in field, qualifications and estimated fees. Please send proposals to bcoban@harmonydc.org and include service in heading.

For your questions please contact Bulent Coban at bcoban@harmonydc.org or [713-835 0217](tel:713-835-0217).

Proposals must be received by March 14 2014.

DEPARTMENT OF HEALTH
HEALTH PROFESSIONAL LICENSING ADMINISTRATION

NOTICE OF MEETING

Board of Medicine
February 26, 2014

On February 26, 2014 at 8:30 am, the Board of Medicine will hold a meeting to consider and discuss a range of matters impacting competency and safety in the practice of medicine.

In accordance with Section 405(b) of the Open Meetings Amendment Act of 2010, the meeting will be closed from 8:30 am until 10:30 am to plan, discuss, or hear reports concerning licensing issues ongoing or planned investigations of practice complaints, and or violations of law or regulations.

The meeting will be open to the public from 10:30 am to 11:30 am to discuss various agenda items and any comments and/or concerns from the public. After which the Board will reconvene in closed session to continue its deliberations until 2:00 pm.

The meeting location is 899 North Capitol Street NE, 2nd Floor, Washington, DC 20002.

Meeting times and/or locations are subject to change – please visit the Board of Medicine website www.doh.dc.gov/bomed and select BoMed Calendars and Agendas to view the agenda and any changes that may have occurred.

Executive Director for the Board – Jacqueline A. Watson, DO, MBA, (202) 724-8755.

DISTRICT OF COLUMBIA HOMELAND SECURITY COMMISSION

NOTICE OF CLOSED MEETING

Pursuant to DC Code § 2-575(b), DC Code § 7-2271.04 and DC Code § 7-2271.05., the Homeland Security Commission hereby provides notice that it will hold a **CLOSED MEETING** on the date, time and place noted below for the purposes of discussing its Annual Report to the Mayor.

February 26, 2014

District of Columbia Homeland Security and Emergency Management Agency

2720 Martin Luther King Junior Avenue, SE

Washington, DC 20032

1:00 pm to 3:00 pm

For more information, please contact: Nicole Chapple, Assistant Director, External Affairs and Policy
District of Columbia Homeland Security and Emergency Management Agency, 2720 Martin Luther King
Jr. Avenue, SE, Washington, DC. Telephone: (202) 481-3049. Email: Nicole.Chapple@dc.gov.

**DISTRICT OF COLUMBIA HOUSING FINANCE AGENCY
BOARD OF DIRECTORS MEETING**

February 25, 2014
815 Florida Avenue, NW
Washington, DC 20001
5:30 pm

AGENDA

- I. Call to order and verification of quorum.
- II. Approval of minutes from the February 11, 2014 board meeting.
- III. Interim Executive Director's Report.
- IV. Other Business.
 - Executive Director Search Process
- V. Adjournment.

KIPP DC PUBLIC CHARTER SCHOOL
REQUEST FOR PROPOSALS

Fundamental Commissioning Services

KIPP DC invites all interested and qualified firms to submit proposals to provide fundamental Commissioning Services for new construction of a 125,000 sf high school building with delivery expected in early June, 2015. Proposals are due no later than 5:00 pm on Friday, February 28, 2014. The RFP can be obtained by contacting via email:

Jeff Polhemus
The Dean Company
jeffp@deancompany.com
202-329-5506

3rd Party Plan Review Services & 3rd Party Code Inspections

KIPP DC invites all interested and qualified firms to submit proposals to provide 3rd party plan review services and inspections for new construction of a 125,000 sf high school building with delivery expected in early June, 2015. Proposals are due no later than 5:00 pm on Friday, February 28, 2014. The RFP can be obtained by contacting via email:

Jeff Polhemus
The Dean Company
jeffp@deancompany.com
202-329-5506

New Market Tax Credit Consultants

KIPP DC invites all interested and qualified firms to submit proposals for New Market Tax Credit Consultants. Proposals are due no later than 5:00 pm on Friday, February 28, 2014. The RFP can be obtained by contacting via email David.Endom@kipfdc.org.

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

The Governing Board of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will hold an emergency Board Conference Call on **Thursday, February 20, 2014 at 11:30am**. Members of the public wishing to witness the meeting should come to 1310 Southern Avenue, SE, Washington, DC 20032, Suite 2000. Notice of the meeting will be published in the D.C. Register and posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

- I. CALL TO ORDER**

- II. DETERMINATION OF A QUORUM**

- III. APPROVAL OF AGENDA**

- IV. BOARD DISCUSSION**
 - 1. 2013 Audit Presentation – KPMG

- V. ANNOUNCEMENT**
 - 1. The next Governing Board Meeting will be held at 9:00am, February 27, 2014 at United Medical Center/Conference Room 2/3.

- VI. ADJOURNMENT**

**THE NOT-FOR-PROFIT HOSPITAL CORPORATION
BOARD OF DIRECTORS
NOTICE OF PUBLIC MEETING**

The monthly Governing Board meeting of the Board of Directors of the Not-For-Profit Hospital Corporation, an independent instrumentality of the District of Columbia Government, will be held at 9:00 a.m. on Thursday, February 27, 2014. The meeting will be held at 1310 Southern Avenue, SE, Washington, DC 20032, in Conference Room 2/3. Notice of a location or time change will be published in the D.C. Register, posted in the Hospital, and/or posted on the Not-For-Profit Hospital Corporation's website (www.united-medicalcenter.com).

DRAFT AGENDA

I. CALL TO ORDER

II. DETERMINATION OF A QUORUM

III. APPROVAL OF AGENDA

IV. CONSENT AGENDA

A. READING AND APPROVAL OF MINUTES

1. February 20, 2014 – Conference Call
2. January 23, 2014 - General Board Meeting

B. BOARD EDUCATION SESSION

1. Steve Lyons / District Laws. How We Work Together!

C. EXECUTIVE REPORTS

1. Dr. Cyril Allen, Chief Medical Officer
2. Maribel Torres, VP of Nursing
3. Pamela Lee, VP of Hospital Operations
4. Jackie Johnson, VP of Human Resources
5. John Wilcox, Chief Information Officer

V. NONCONSENT AGENDA

A. CHIEF EXECUTIVE REPORTS

1. Michael Davis, CFO
2. David Small, CEO

B. MEDICAL STAFF REPORT

1. Dr. Gilbert Daniel, Chief of Staff

C. COMMITTEE REPORTS

1. Finance Committee Report
2. Audit Committee Report
3. Strategic Steering Committee Report
4. Governance Committee Report
5. Patient Safety & Quality Committee Report

D. OTHER BUSINESS

1. Old Business
2. New Business

E. ANNOUNCEMENT

1. The next Governing Board Meeting will be held at 9:00am, Thursday, March 27, 2014.

F. ADJOURNMENT

NOTICE OF INTENT TO CLOSE. The NFPHC Board hereby gives notice that it may close the meeting and move to executive session to discuss contracts, settlements, collective bargaining agreements, personnel, discipline, and investigations of alleged criminal or civil misconduct. D.C. Official Code §§2-575(b)(2)(4A)(5),(9),(10),(14).

**OFFICE OF THE DEPUTY MAYOR FOR
PLANNING AND ECONOMIC DEVELOPMENT**

**NOTICE OF PUBLIC MEETING REGARDING
SURPLUS RESOLUTION PURSUANT TO D.C. OFFICIAL CODE §10-801**

The District will conduct a public meeting to receive public comments on the proposed surplus of District property. The date, time and location shall be as follows:

- Property:** 1050 21st Street, N.W. (Stevens School)
Parcels 0876 in Square 0073
- Date:** Wednesday March 12, 2014
- Time:** 6:30 p.m.
- Location:** Charles Sumner School Museum and Archives
The Richard L. Hurlbut Memorial Hall (Room 300)
1201 17th Street NW (Corner of 17th and M Streets, NW)
Washington, DC 20036
- Contact:** Anna Shapiro, Anna.Shapiro@dc.gov

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA
RECOMMEND FOR APPOINTMENTS OF NOTARIES PUBLIC

Notice is hereby given that the following named persons have been recommended for appointment as Notaries Public in and for the District of Columbia, effective on or after March 15, 2014.

Comments on these potential appointments should be submitted, in writing, to the Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on February 21, 2014. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

D.C. Office of the Secretary
 Recommended for appointment as a DC Notaries Public

Effective: March 15, 2014

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Beidler	Michael Lee	Self (Dual) 2112 Ward Court, NW	20005
Boyea	Keith	Federal Railroad Administration 1200 New Jersey Avenue, SE	20003
Brown	Diane V.	Morgan Lewis 1111 Pennsylvania Avenue, NW	20004
Burke	Lauren	Esquire Depositions Solutions 1025 Vermont Avenue, NW, Suite 503	20005
Castro	Berta A.	Marriott Wardman Park Hotel 2660 Woodley Road, NW	20008
Cheeseborough III	Frederick M.	SunTrust Bank 2 Massachusetts Avenue, NW	20001
Childs	Ronald	Lydia's House in Southeast 3939 South Capitol Street, SW	20032
Ciliberti	Michael	Planet Depos, LLC 1100 Connecticut Avenue, NW, Suite 900	20036
Coward	Terry J.	Self 518 G Street, SW	20024
Daniels	Ryan Thatcher	U.S. Department of Transportation Federal Railroad Administration 1200 New Jersey Avenue, SE	20590
Daniels	Shana	Gallaudet University 800 Florida Avenue, NE	20002
Eubanks	Le'An S.	Kutak Rock LLP 1101 Connecticut Avenue, NW, Suite 1000	20036
Fyock	Brett	Agriculture FCU 14th & Independence Avenue, SW	20250

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

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Gravely	Rayzelda	Internet 2 1150 18th Street, NW	20036
Ham	Doris F.	Leftwich & Ludaway, LLC 1400 K Street, NW, Suite 1000	20005
Hawkins	Kristopher J.	Williams & Connolly, LLP 725 12th Street, NW	20005
Heckman	Fawn Donna	Silverberg, Goldman & Bikoff, LLP 1101 30th Street, NW, Suite 120	20007
Hector	Golda A.	Merrill Lynch 1152 15th Street, NW, Suite 6000	20005
Hibbert	Angela M.	Washington Express Visas 1920 N Street, NW, Suite 330	20036
Hinger, Jr.	William Daniel	Womble Caryle Sandridge & Rice 1200 19th Street, NW	20036
Jackson	Andrea	Capital One Bank 901 New York Avenue, NW	20001
Jennings	Dorothy M.	Self 2009 Ridge Place, SE	20020
Johnson	Deborah	Federal labor Relations Authority 1400 K Street, NW	20424
Knieser	Brian	Olender Reporting, Inc. 1100 Connecticut Avenue, NW, Suite 810	20036
Kozak	Jeffery J.	Escrow Experts, LLC 1716 New Jersey Avenue, NW	20001
Krofchik	Pamela M.	Government of the District of Columbia, Department of General Services 2000 14th Street, NW, 8th Floor	20009
Lasco	Svetlana	Citibank 5700 Connecticut Avenue, NW	20015

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

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Laster	Shawn B.	DC Fire and Emergency Medical Services Department 2000 14th Street, NW, Suite 500	20009
Lawson	Sharon A.	Law Offices of George R. Salem, PLLC 500 8th Street, NW, Suite 210	20004
Lorenzetti	Marissa	The Madison Group 1030 15th Street, NW, Suite 1080 West	20005
McGee	Madison	Casa For Children of DC 515 M Street, SE, Building 74, Suite 200A	20003
McLaurin	Helen J.	Drake, Incorporated 4315 Sheriff Road, NE	20019
Monroe, Jr.	Kirk D.	Debevoise & Plimpton, LLP 555 13th Street, NW, Suite 1100 East	20004
Muhammad	Kathy	Stoddard Baptist Nursing Home 1818 Newton Street, NW	20010
Niemann	Tara M.	Skyline Innovations 1606 20th Street, NW, 2nd Floor	20009
Oliver	R.L.	Bethesda Baptist Church 1808 Capitol Avenue, NE	20002
Perkins	Paula A.	Caplin & Drysdale One Thomas Circle, NW, Suite 1000	20005
Pinckney	Dorothy M.	Jackson & Campbell, PC 1120 20th Street, NW, Suite 300 South Tower	20036
Queen	Chernika	Bennett Group INC 1230 31st Street, NW	20007
Reid	Deborah B.	Kriegsfeld Corporation 415 Butternut Street, NW, Suite T-1	20012

D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public

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Rundle	Danielle N.	Public Defender Service 633 Indiana Avenue, NW	20004
Ryan	Kathleen E.	General Services Administration, Office of Regional Counsel (LDW) 301 7th Street, SW, Suite 7048	20407
Shepherd	Anthony	Quality Printers 301 Kennedy Street, NW	20011
Smith	Joseph Mitchell	Distill Spirits Council of the United States 1250 Eye Street, NW, Suite 400	20005
Sotomayor	Maria Fernanda	Pinnacle Title & Escrow, Inc. 1776 Eye Street, NW, Suite 701	20006
Spells	Jean Fleming	Department of Justice 1400 New York Avenue, NW	20005
Theodore	Yvette	Quality Printers 301 Kennedy Street, NW	20011
Trusso	Shim	Bernstein Management Corporation 5301 Wisconsin Avenue, NW, Suite 600	20015
Turner	Charlie Eliza	Wells Fargo Bank 4841 Massachusetts Avenue, NW	20016
Valencia-Morales	Norma	Inter-American Investment Corporation (IIC) 1350 New York Avenue, NW	20577
Veale	Cynthia O.	George Washington University Hospital 900 23rd Street, NW	20037
Velez	Holly A.	National Institute of Building Sciences 1090 Vermont Avenue, NW, Suite 700	20005
Way	Monique R.	Stoddard Baptist Global Care, Inc. 2601 18th Street, NE	20018

**D.C. Office of the Secretary
Recommended for appointment as a DC Notaries Public**

Effective: March 15, 2014

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Weston	Johanna	Winston & Strawn 1700 K Street, NW	20036
Whitaker	Sonstance	U.S. Green Building Council 2101 L Street, NW, Suite 500	20037
Wilson	Roberta D.	Associated Builders and Contractors, Inc. 440 First Street, NW	20001
Winston	Brittany	A Thru Z Construction 930 Kennedy Street, NW, Suite 250	20011

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

BOARD OF DIRECTORS

NOTICE OF PUBLIC MEETING

Joint Meeting – Audit and Finance and Budget Committees

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee and Finance and Budget Committee will hold a joint meeting on Thursday, February 27, 2014 at 10:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water’s website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or linda.manley@dcwater.com.

DRAFT AGENDA

- | | |
|-------------------------|-----------------------|
| 1. Call to Order | Committee Chairperson |
| 2. FY 2014 Audit | External Auditor |
| 3. Adjournment | Committee Chairperson |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Audit Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Audit Committee will be holding a meeting on Thursday, February 27, 2014 at 9:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information, please contact Linda R. Manley, Board Secretary at (202) 787-2332 or لمانley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|---|------------------|
| 1. | Call to Order | Chairman |
| 2. | Summary of Internal Audit Activity -
Internal Audit Status | Internal Auditor |
| 3. | Executive Session | Chairman |
| 4. | Adjournment | Chairman |

DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY**BOARD OF DIRECTORS****NOTICE OF PUBLIC MEETING****Finance and Budget Committee**

The Board of Directors of the District of Columbia Water and Sewer Authority (DC Water) Finance and Budget Committee will be holding a meeting on Thursday, February 27, 2014 at 11:30 a.m. The meeting will be held in the Board Room (4th floor) at 5000 Overlook Avenue, S.W., Washington, D.C. 20032. Below is the draft agenda for this meeting. A final agenda will be posted to DC Water's website at www.dcwater.com.

For additional information please contact: Linda R. Manley, Board Secretary at (202) 787-2332 or lmanley@dcwater.com.

DRAFT AGENDA

- | | | |
|----|------------------------------------|------------------------------|
| 1. | Call to Order | Chairman |
| 2. | January 2014 Financial Report | Director of Finance & Budget |
| 3. | Agenda for March Committee Meeting | Chairman |
| 4. | Adjournment | Chairman |

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
Washington Teachers' Union, Local #6 AFT,)	
AFL-CIO,)	
Complainant,)	PERB Case No. 04-U-25
v.)	
District of Columbia Public Schools,)	Opinion No. 1448
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

This case involves an unfair labor practice complaint alleging a failure to bargain and to provide information in connection with abolishment of positions by the District of Columbia Public Schools ("DCPS" or "Respondent"). The complaint was filed June 3, 2004, by the Washington Teachers' Union Local #6 AFT, AFL-CIO ("WTU" or "Complainant") against DCPS.

The complaint alleges that on December 12, 2003, and May 17, 2004, WTU requested that DCPS bargain with WTU concerning any decision to abolish bargaining unit positions as well as the impact and effects of such decision and requested information concerning the abolishment. DCPS announced and implemented abolishments by sending memoranda to principals and assistant superintendants on April 22, 2004, and May 13, 2004. (Complaint ¶¶ 6, 7, 9, 10). The complaint alleges that in violation of D.C. Code section 1-617.04 (a) (1) and (5) DCPS failed and refused to bargain with WTU as requested. (Complaint ¶ 15). The complaint alleges that DCPS provided only a partial response to WTU's information request and alleges that significant information is still outstanding. (Complaint ¶ 13). WTU moved for preliminary relief, specifically, an order that DCPS maintain the status quo, halt its abolishment process, and fulfill its bargaining obligation. WTU did not seek preliminary relief regarding its request for information.

Decision and Order
PERB Case No. 04-U-25
Page 2

The Respondent's answer admitted that WTU requested bargaining on the decision and its impact and effects and that the Respondent "has not bargained with WTU over the abolishment of certain WTU bargaining unit positions." (Answer ¶¶ 5, 12). The Respondent asserts that it provided information to the Complainant and "denies that 'significant' information is still outstanding." (Answer ¶ 13). The answer asserts that the complaint fails to state a claim upon which relief may be granted. The Respondent filed an opposition to the motion for preliminary relief ("Opposition") in which the Respondent elaborated on its position that the complaint failed to state a claim.

II. Discussion

A. Duty to Bargain

The Complainant alleges, and DCPS admits, that DCPS did not comply with the Complainant's request to bargain over the decision to abolish bargaining unit positions as well as the impact and effects of the decision. (Complaint ¶¶ 4, 5, 8, 11, 12, 14; Answer ¶¶ 4, 5, 8, 11, 12, 14). DCPS argues that "DCPS had no duty to bargain over either [the] decision to conduct the position abolishments or the impact and effects of that decision. Because DCPS had no legal obligation to bargain over the decision or impact and effects of the position abolishment, it likewise had no obligation to provide information with respect to the abolishment." (Opposition 12).

The material facts of the claim of refusal to bargain are not disputed by the parties. Disposition of this claim presents only a question of law. Therefore, pursuant to Board Rule 520.10, the claim can appropriately be decided on the pleadings. In view of our disposition at this stage of the proceedings, the motion for preliminary relief is moot.

RIFs are a management right under D.C. Code section 1-617.08. *Doctors' Council of D.C. v. D.C. Dep't of Youth & Rehab. Servs.*, 60 D.C. Reg. 16255, Slip Op. No. 1432 at p. 8, PERB Case No. 11-U-22 (2013). Generally, a management right does not relieve management of the duty to bargain over the impact and effects of, and procedures concerning, the exercise of management rights decisions. *AFGE, Local 1403 v. D.C. Office of the Corp. Counsel*, Slip Op. No. 709 at p. 6, PERB Case No. 03-N-02 (July 25, 2003); *Int'l Bhd. of Police Officers v. D.C. Gen. Hosp.*, 41 D.C. Reg. 2321 Slip Op. No. 312 at p. 3, PERB Case No. 91-U-06 (1992); *Univ. of D.C. Faculty Ass'n/NEA and Univ. of D.C.*, 29 D.C. Reg. 2975, Slip Op. No. 43 at p. 4, PERB Case No. 82-N-01 (1982) (holding that procedures for implementing the decision to conduct a RIF and its impact and effects are negotiable). However, the Abolishment Act, D.C. Code § 1-624.08, narrowed this duty as it relates to RIFs. Congress enacted the Abolishment Act as section 2408 of the D.C. Appropriations Act of 1998, 111 Stat. 2160 (1998). The D.C. Council amended the applicable date to cover the 2000 fiscal year and subsequent fiscal years. *Teachers' Union Local No. 6 v. D.C. Pub. Schs.*, 960 A.2d 1123, 1126 n.6 (D.C. 2009). The Abolishment Act authorizes agency heads to identify positions for abolishment, establishes the rights of existing employees affected by the abolishment of a position, and establishes procedures for implementing and contesting an abolishment. D.C. Code § 1-624.08(a)-(i), (k). The Abolishment Act further provides, "Notwithstanding the provisions of § 1-617.08 or § 1-

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624.02(d), the provisions of this chapter shall not be deemed negotiable.” D.C. Code § 1-624.08(j). *See also* Omnibus Personnel Reform Amendment Act, 1998 D.C. Laws 12-124 (Act 12-326) (“An Act To . . . eliminate the provision allowing RIF policies and procedures to be appropriate matters for collective bargaining . . .”). As a result, a proposal that would alter RIF procedures is nonnegotiable. *AFGE, Local 631 v. D.C. Water & Sewer Auth.*, 59 D.C. Reg. 5411, Slip Op. No. 982 at p. 6, PERB Case No. 08-N-05 (2009); *FOP/Dep’t of Corrs. Labor Comm. v. D.C. Dep’t of Corrs.*, 49 D.C. Reg. 11141, Slip Op. No. 692 at p. 5, PERB Case No. 01-N-01 (2002) (“*FOP/Department of Corrections Labor Committee*”).

Respondent’s position is that not only are RIF decisions and RIF procedures nonnegotiable but the impact and effects of RIFs are nonnegotiable as well. Respondent argues this position by misconstruing statements in *FOP/Department of Corrections Labor Committee*. Respondent asserts without citation that the “Board has squarely held, that job abolishments conducted under Section 1-624.08 are ‘non-negotiable’ and are ‘not an appropriate subject for impact and effects bargaining.’” (Opposition 2). That statement was not a holding of the Board. In two opinions in *FOP/Department of Corrections Labor Committee*, the Board related that the Department of Corrections had said that the FOP’s proposal on RIF procedures “is not an appropriate subject for impact and effects bargaining.” *FOP/Department of Corrections Labor Committee*, 49 D.C. Reg. 800, Slip Op. No. 666 at p. 3, PERB Case No. 01-N-01 (2000) (order requesting submission of briefs); *FOP/Department of Corrections Labor Committee*, 49 D.C. Reg. 11141, Slip Op. No. 692 at p. 3, PERB Case No. 01-N-01 (2002) (order holding proposal nonnegotiable). Neither the Department of Corrections nor the Board took the position that job abolishments under section 1-624.08 are not an appropriate subject for impact and effects bargaining. Respondent seeks to associate that position with the Board’s holding in the case by stating that “the Board ruled that the Union’s proposal was ‘not within the scope of impact and effects bargaining and [was;] therefore, non-negotiable.’” (Opposition 11-12) (quoting *FOP/Department of Corrections Labor Committee*, Slip Op. No. 692 at p. 5).

The ruling quoted by the Respondent does not support Respondent’s position. The proposal the Board ruled upon was made during impact and effects bargaining, *FOP/Department of Corrections Labor Committee*, Slip Op. No. 692 at p. 1, but the proposal dealt with RIF procedures rather than the impact or effects of a RIF. *Id.* at 4. As a result, the Board’s order said the proposal “is not within the scope of impact and effects bargaining and is; therefore, non-negotiable.” *Id.* at 5. If the proposal had been within the scope of impact and effects bargaining, then it would have been negotiable. After the passage of the Abolishment Act and the Omnibus Personnel Reform Amendment Act, the Board has continued to hold that an employer violates its duty to bargain in good faith by refusing a request to bargain over the impact and effects of a RIF. *Doctors’ Council of D.C. v. D.C. Dep’t of Youth & Rehab. Servs.*, 60 D.C. Reg. 16255, Slip Op. No. 1432 at p. 8, PERB Case No. 11-U-22 (2013); *AFSCME Council 20, Local 2921 v. D.C. Dep’t of Gen. Servs.*, 59 D.C. Reg. 12682, Slip Op. 1320 at p. 2, PERB Case No. 09-U-63 (2012); *F.O.P./Dep’t of Corrs. Labor Comm. v. D.C. Dep’t of Corrs.*, 52 D.C. Reg. 2496, Slip Op. 722 at p. 5, PERB Case Nos. 01-U-21, 01-U-28, 01-U-32 (2003).

Based on the precedent discussed above, DCPS was not required to bargain over the decision to abolish bargaining unit positions but was required to engage in impact and effects

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bargaining over the abolishment. Should WTU have made a proposal during impact and effects bargaining that DCPS regarded as altering RIF procedures, DCPS could have provided WTU with a written communication asserting that the proposal was nonnegotiable as provided in section 532 of the Board's rules. DCPS admitted that it did not engage in impact and effects bargaining over the abolishment. (Answer ¶¶ 4, 5, 11, 12). Therefore, the Board finds that DCPS failed to bargain with WTU over the impact and effects of the abolishment in violation of the Comprehensive Merit Personnel Act.

B. Request for Information

An agency has an obligation to furnish information a union requests that is both relevant and necessary to the union's role in processing of a grievance, an arbitration proceeding, or collective bargaining. Failure to do so is an unfair labor practice. *D.C. Nurses Ass'n v. D.C. Dep't of Mental Health*, 59 D.C. Reg. 15187, Slip Op. No. 1336 at p. 3, PERB Case No. 09-U-07 (2012). This Board sustained an unfair labor practice claim where the agency failed to provide requested information concerning the agency's decision to implement a RIF involving the union's bargaining unit members. *D.C. Nurses Ass'n v. D.C. Dep't of Mental Health*, Slip Op. No. 1314, PERB Case No. 12-U-09 (Apr. 24, 2012). WTU's complaint has sufficiently alleged such a claim.

In contrast to the facts concerning WTU's claim of refusal to bargain, the facts concerning WTU's claim of refusal to provide information are in dispute. (Complaint ¶¶ 13, 16; Answer ¶¶ 13, 16). Accordingly, we direct the development of a factual record through an unfair labor practice hearing at which the Complainant will have the burden of proving its allegations by a preponderance of the evidence as provided by Rule 520.11. Prior to the hearing, the parties will participate in mandatory mediation, pursuant to Board Rule 558.4.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complainant's unfair labor practice complaint is sustained in part.
2. The Respondent, its agents, and representatives shall bargain with the Complainant, its agents, and representatives over the impact and effects of the abolishments referred to in the complaint.
3. The Respondent shall conspicuously post within ten (10) days from the issuance of this Decision and Order the attached Notice where notices to employees are normally posted. The Notice shall remain posted for thirty (30) consecutive days.
4. The unfair labor practice claim of refusal to provide information and the request for costs will be referred to a hearing examiner for an unfair labor practice hearing. That dispute will be first submitted to the Board's mediation program to

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allow the parties the opportunity to reach a settlement by negotiating with one another with the assistance of a Board-appointed mediator.

5. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

Washington, D.C.

January 23, 2014

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CERTIFICATE OF SERVICE

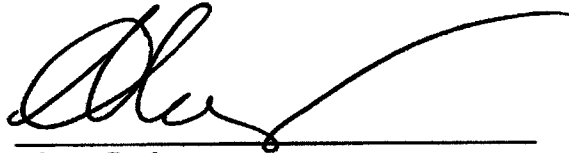
This is to certify that the attached Decision and Order in PERB Case No. 04-U-25 is being transmitted via U.S. Mail to the following parties on this the 24th day of January, 2014.

Kelly Scott
O'Donnell, Schwartz & Anderson, P.C.
1300 L St. NW, suite 1200
Washington, DC 20005-4126

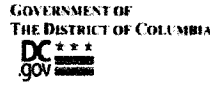
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NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS: THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1448, PERB CASE NO. 04-U-25 (JAN. 23, 2014).

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered the District of Columbia Public Schools to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by the actions and conduct set forth in Slip Opinion No. 1448.

WE WILL cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act ("CMPA").

WE WILL cease and desist from refusing to bargain in good faith with the Washington Teachers' Union Local #6 AFT, AFL-CIO, over the impact and effects of the abolishments implemented in April and May 2004.

District of Columbia Public Schools

Date: _____ By: _____

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4th Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 23, 2014

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
American Federation of)	
Government Employees, Local 383,)	
)	PERB Case No. 13-U-06
Complainant,)	
)	Opinion No. 1449
v.)	
)	
District of Columbia Department)	
of Youth Rehabilitation Services,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

Complainant American Federation of Government Employees, Local 383 (“Union,” “AFGE,” or “Complainant”) filed the above-captioned Unfair Labor Practice Complaint (“Complaint”), against Respondent District of Columbia Department of Youth Rehabilitation Services (“Agency,” “DYRS,” or “Respondent”) for alleged violations of sections 1-617.04(a)(1) and (5) of the Comprehensive Merit Protection Act (“CMPA”). Specifically, AFGE alleges that the Agency engaged in direct dealing, and implemented an employee conduct policy (“Policy”) without first engaging in substantive and impact and effects bargaining. (Complaint at 7-8). Respondent filed an Answer and Affirmative Defenses (“Answer”) in which it denies the alleged violations and raises the following affirmative defenses:

- (1) The Office of Labor Relations and Collective Bargaining (“OLRCB”) has negotiating authority for all subordinate agencies under the Mayor of the District of Columbia, pursuant to Mayor’s Order 2001-168;
- (2) The Board has held an employer does not violate D.C. Code § 1-617.04(a)(1) and (5) by unilaterally implementing a management right under D.C. Code § 1-617.08 if there is no request to bargain concerning the impact and effects of the exercise of the management right;

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- (3) The Complainant failed to bargain in good faith, in violation of the CMPA, when it unilaterally adjourned bargaining; and
- (4) Article 31 of the parties' collective bargaining agreement ("CBA") confers upon DYRS the right to direct employees of the agency, and:

The sole right, authority and complete discretion to maintain the order and efficiency of the public service entrusted to it, and to operate and manage the affairs of the District in all aspects, including but not limited to, all rights and authority held by the Employer prior to the signing of this Agreement.

(Answer at 15).

II. Facts

On September 5, 2012, DYRS sent an e-mail to its employees announcing the implementation of an employee conduct policy. (Complaint at 2; Answer at 2). The policy's effective date was September 4, 2012, although DYRS states that the policy did not take effect until after the announcement to employees on September 5, 2012. (Answer at 3). The policy was not sent to the Union's president, but was distributed electronically to members of the bargaining unit at DYRS. (Complaint at 2; Answer at 3). DYRS notes that some of the DYRS bargaining unit members serve as Union officials. (Answer at 3). The policy states that it "expands or supplements certain provisions of the District Personnel Manual" ("DPM"), that it applies to all DYRS employees, and that all DYRS staff are responsible for complying with all provisions of the DPM. (Complaint at 2; Answer at 3).

In their pleadings, the Complainant and Respondent describe various functions of the employee conduct policy. The Complainant states that the policy:

Sets forth a dress code; prohibits staff from developing romantic, sexual or intimate relationships with certain individuals and limits intimate relations between employees and members of other groups; requires employees to self-report to their immediate supervisor or the Director of DYRS if they are arrested or indicted for, or convicted of certain crimes; requires employees to carry facility specific identification cards; prohibits employees from borrowing or lending money from or to each other [other] than "in small amounts"; prohibits any contact with youth served by the Agency or their families outside of the performance of official duties and restricts contact with such youth or their families for years after the youth's contact with the Agency; requires employees to report to DYRS if a relative or close friend comes under the care of DYRS; limits and proscribes use of DYRS computers or telephones and incorporates "Office of the Chief Technology Officer email and internet usage policies"; forbids

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employees from posting “any notice in a DYRS facility without the approval of the management of the facility or office”; prohibits employees from using “harsh, violent, threatening, abusive, or coarse language”; prohibits staff from smoking within 75 feet of the entrance of any DYRS facility or office; forbids employees from bringing “contraband” into a DYRS facility and lists 47 categories of contraband; restricts employees’ freedom to write or speak publicly about the Agency without prior Agency approval; and apparently incorporates the “D.C. Government Ethics Manual” which the policy states can be found on the website for the D.C. Office of the Attorney General (“OAG”).

(Complaint at 2-3). AFGE asserts that the “Office of the Chief Technology Officer email and internet usage policies” have not been specifically identified or provided to the Union, and that the policies have not been published for notice and comment in the DCMR or been negotiated with the Union. (Complaint at 3). Further, AFGE states that the D.C. Government Ethics Manual is a 40-page document with an additional 114 pages of appendices, has not been published in the DCMR or subjected to notice and comment rulemaking, and has not been negotiated with the Union. *Id.*

In response, DYRS contends that the policy restates existing regulations set forth in the DPM, and that except where expressly provided for in the DPM, the DCMR, or statute, all policies were made pursuant to the Agency’s “express management right to direct its employees.” (Answer at 5). DYRS disputes the Union’s assertion that the Office of the Chief Technology Officer email and internet usage policies were not specifically identified or provided to the Union, stating that the D.C. Code placed the Union on constructive notice of such policies because D.C. Code § 1-602.01 requires the Office of the Chief Technology Officer to issue regulations governing the acquisition, use, and management of information technology and telecommunications systems and resources throughout the District government¹. (Answer at 6).

AFGE alleges that on the day that the employee conduct policy was announced to bargaining unit members, Union president Timothy Traylor demanded “decisional bargaining over the employee conduct policy.” (Complaint at 3). In its Answer, DYRS responds that it is “without knowledge of Complainant’s use of the phrase ‘decisional bargaining over the employee conduct policy.’” (Answer at 7). DYRS Director Neil Stanley responded “We are happy to meet with you next week. However, we will not be prepared to do anything other than listen if you are unwilling to send us your concerns in advance.” (Complaint at 3; Answer at 7). On or about September 13, 2012, OLRCB attorney Nina McIntosh, acting on behalf of DYRS, proposed a meeting to take place on September 25, 2012, for the purpose of impact and effects negotiations over the employee conduct policy. (Complaint at 3-4; Answer at 7). Ms. McIntosh invited Quiyana Hall and Rudy Glenn of DYRS, Dean Aqui from OLRCB, Union president Traylor, and Union attorney Brenda Zwack to the meeting. (Complaint at 4; Answer at 7).

¹ Further, DYRS states that D.C. Code § 1-602.6 makes the regulations applicable to DYRS. (Answer at 6).

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The parties met on September 25, 2012. (Complaint at 4; Answer at 8). Present on behalf of the Union were Union president Traylor and Ms. Zwack. (Complaint at 4; Answer at 8). AFGE alleges that the Agency did not show up for the meeting, and that Mr. Aqui and Ms. McIntosh of OLRCB were present. (Complaint at 4). DYRS disputes that DYRS “did not show up for the meeting,” and states that its representatives from OLRCB were present. (Answer at 8). AFGE asserts that when it learned that the Agency would not be attending the meeting, it demanded that the meeting be rescheduled for a time when the Agency would be present to engage in impact and effects bargaining. (Complaint at 4). The Agency denies that the Union learned that the Agency would not be coming to the meeting, and asserts that Ms. Zwack informed the DYRS representatives that the Union would file an unfair labor practice complaint if the employee conduct policy was not rescinded by October 2, 2012. (Answer at 8). The Union alleges that it shared a few of its concerns with Mr. Aqui and Ms. McIntosh, but maintained that it did not accept the meeting as impact and effects bargaining because the Agency failed to appear. (Complaint at 4; Answer at 8). DYRS denies that impact and effects bargaining did not occur. (Answer at 8). At the meeting, AFGE stated its position that the Agency could not implement a new dress code or materially change an existing dress code without first engaging in “decisional bargaining” with the Union, and requested a moratorium on the implementation of the employee conduct policy until such time as impact and effects bargaining could take place. (Complaint at 4).

On October 3, 2012, Mr. Aqui e-mailed AFGE, stating that “Management fully intends to honor the law and collective bargaining agreement. Also, the policy will not be rescinded since it is in large part a compilation of existing requirements found in Chapter 18 of the DPM, the District’s Ethics Manual, and the Criminal Background Check for the Protection of Children Act.” (Complaint at 5; Answer at 9). The Union responded on October 5, 2012, stating that the September 25, 2012, meeting did not constitute impact and effects bargaining, and demanding “impact and effects and decisional bargaining over the policy.” (Complaint at 5).

On November 16, 2012, the parties met to bargain over the impact and effects of the employee conduct policy. (Complaint at 5; Answer at 10). Representatives from AFGE and DYRS attended the meeting, as well as Mr. Aqui and Ms. McIntosh. (Complaint at 5; Answer at 10). At the meeting, AFGE raised concerns and asked questions about the employee conduct policy. (Complaint at 5; Answer at 10). Additionally, the Union made proposals to amend or clarify the policy, or to limit its effect to on-duty conduct, and proposed that the Agency provide training on the implementation of the policy. (Complaint at 5; Answer at 10). The Union renewed its position that any change to an existing dress code or implementation of a new dress code would require “decisional bargaining” with the Union. (Complaint at 5; Answer at 10).

During the meeting, there was discussion regarding the participation of the Center for Children’s Law and Policy in drafting the employee conduct policy. (Complaint at 6). The parties dispute the extent of the Center’s participation. (Complaint at 6; Answer at 11). The parties also dispute whether the Agency consulted with bargaining unit members in creating the policy, with the Agency contending that one of its representatives “stated her honest belief that the Respondent consulted with union members in the drafting of the policy, but also stated that such belief could be erroneous as the policy was drafted prior to her employment at DYRS. The

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representative did not specifically state that the Respondent consulted with members of the Complainant in creating the policy.” (Complaint at 6; Answer at 11). DYRS stated that it would take the Union’s proposals into consideration, but denies AFGE’s allegation that DYRS stated it was not the Union’s role to effect any changes in the policy, nor would any changes be made. (Complaint at 6; Answer at 12).

AFGE alleges that its representatives left the meeting after learning that there was no one present from DYRS with the authority to reach an agreement with the Union. (Complaint at 7). DYRS disputes the allegation, and states that the Union left the meeting because the Agency “would not make a decision during the meeting that would affect not only union members, but non-union members and members of other bargaining units as well.” (Answer at 13).

III. Discussion

AFGE’s Complaint raises two categories of allegations: (1) direct dealing; and (2) failure to bargain in good faith. (Complaint at 7-8).

A. Alleged direct dealing

AFGE alleges that DYRS engaged directly with members of the bargaining unit to seek input on the creation of an employee conduct policy, in violation of D.C. Code §§ 1-617.04(a)(1) and (5). (Complaint at 7). AFGE contends that during the November 16, 2012, meeting, DYRS stated that it consulted with members of the bargaining unit in creating the employee conduct policy, and that the Agency did not consult with Union leadership or request the Union to name representative members of the bargaining unit for that purpose. (Complaint at 6).

In response, DYRS admits that one of its representatives “stated her honest belief” that the Agency had consulted with union members when drafting the policy, but that the representative also stated that her belief could be erroneous because the policy was drafted prior to her employment with DYRS. (Answer at 11). DYRS asserts that the representative did not specifically state that the Agency consulted with Union members in creating the policy, and that it was under no obligation to consult with Union officials or representative members of the bargaining unit regarding the Agency’s decision to exercise management rights. *Id.*

The Board has held that “mere communication with membership” does not violate the CMPA. *American Federation of State, County, and Municipal Employees, Council 20 v. Barry, et al.*, 36 D.C. Reg. 427, Slip Op. No. 200, PERB Case No. 88-U-32 (1988). In addition, communications that do not attempt to induce employees to take action against their exclusive representative do not constitute direct dealing. *Washington Teachers Union, Local 6 v. D.C. Public Schools*, 48 D.C. Reg. 2931, Slip Op. No. 431, PERB Case No. 95-U-08 (1995). Alleged examples of direct dealing must be examined in context to determine whether the agency intended to disparage or undermine the union’s leadership. *AFSCME Council 20*, Slip Op. No. 200 at 4.

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In the instant case, the parties dispute whether DYRS consulted with Union members when drafting the employee conduct policy, and indeed disagree over what was said regarding this topic at the November 16, 2012, meeting. (Complaint at 6; Answer at 11). The Board may render a decision on the pleadings only where there is no issue of fact to warrant a hearing. See *American Federation of Government Employees, Local 2978 v. D.C. Dep't of Health*, 60 D.C. Reg. 2551, Slip Op. No. 1356 at p. 7-8, PERB Case No. 09-U-23 (2013). Here, issues of fact are present concerning whether DYRS consulted with union members when drafting the employee conduct policy, and thus the Complainant's allegation of direct dealing cannot be resolved by the Board on the pleadings. *D.C. Nurses Association v. D.C. Dep't of Youth Rehabilitation Services*, 59 D.C. Reg. 12638, Slip Op. No. 1304 at p. 3; PERB Case No. 10-U-35 (2012). This allegation will continue to be processed through an unfair labor practice hearing.

B. Alleged failure to bargain in good faith

a) Employee speech restrictions

AFGE alleges that DYRS interfered with, restrained, and coerced employees in the exercise of their protected rights under D.C. Code § 1-617.01(b), in violation of D.C. Code § 1-617.04(a)(1), and failed to bargain in good faith in violation of D.C. Code §§ 1-617.04(a)(1) and (5) by "unilaterally implementing a policy restricting employees in their public speech and written communications about the Agency, prohibiting 'harsh,' 'coarse,' or 'threatening' speech, and prohibiting employees from making any posting within the workplace that is not pre-approved by management." (Complaint at 7).

In response, DYRS contends that the policy prohibiting employees from using "profane, harsh, violent, threatening, abusive, or coarse language" is prescribed under DCMR Tit. 6b §§ 1603 and 1619. (Answer at 4). DYRS denies the Union's allegation that the policy "restricts employees' freedom to write or speak publicly about the Agency without prior Agency approval," and states that the policy precludes employees from "accept[ing] an invitation to speak before any group or gathering, public or private, as an official representative of DYRS" unless first approved by the Respondent's Director or designee. *Id.* (emphasis in original). Further, DYRS notes that the policy also precludes employees from "submit[ting] for publication any [writing] that pertains to DYRS, the District of Columbia government, its functions, its officers, or its employees, if the item contains official information not otherwise available to the general public which the staff has access to only by reason of his or her government employment," except under certain circumstances, and that the policy is prescribed under DCMR Tit. 6b §§ 1804.1(f), 1804.3, 1804.4, and 1804.5. (Answer at 5) (emphasis in original). Additionally, DYRS states that the policy prohibits employees from posting notices in a DYRS facility without the approval of the management of the facility or office, and notes that the policy does not violate, and is "wholly compatible with," DCMR Tit. 1 § 1419. (Answer at 4).

Pursuant to D.C. Code § 1-617.08(a)(1), management maintains the sole right to "direct employees of the agencies," "in accordance with applicable laws, rules, and regulations." 6-B DCMR §§ 1603.3(g) and 1619.1 list the "use of abusive or offensive language" while on-duty as a cause for disciplinary action, applicable to DYRS through 6-B DCMR § 1600.1. Thus, the

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portion of the employee conduct policy prohibiting language punishable by 6-B DCMR §§ 1603.3(g) and 1619.1 is a management right “in accordance with applicable laws, rules and regulations,” and the Agency has not violated the CMPA by refusing to engage in substantive bargaining. *Washington Teachers Union, Local 6 v. D.C. Public Schools*, 46 D.C. Reg. 8090, Slip Op. No. 450 at p. 9, PERB Case No. 95-N-01 (1995) (proposal which conflicts with DCMR is nonnegotiable “in accordance with applicable laws, rules, and regulations” pursuant to D.C. Code § 1-[617.08](a).”); *see also Douglas, et al. v. Dixon, et al*, 39 D.C. Reg. 9621, Slip Op. No. 315 at p. 2, PERB Case No. 92-U-03 (1992). However, the Agency is still obligated to bargain in good faith over the impact and effects of a management rights decision pending a timely request to bargain by the Union. *D.C. Nurses Association v. D.C. Dep’t of Mental Health*, 59 D.C. Reg. 9763, Slip Op. No. 1259, PERB Case No. 12-U-14 (2012).

Regarding the Union’s allegations about restrictions on employee’s public speech and writings, 6-B DCMR § 1804.1(f) prohibits District employees from engaging in outside employment or other activity which is not compatible with the full and proper discharge of their duties and responsibilities as a government employees, including “[d]ivulging any official government information to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of or permitting others to make use of information not available to the general public.” 6-B DCMR §§ 1804.3 and 1804.4 state that employees may engage in “teaching activities, writing for publication, consultative activities, and speaking engagements” outside of working hours or on annual leave or leave without pay, as long as the information used by the employee in those activities does not “draw on official data or ideas which have not become part of the body of public information, except nonpublic information that has been made available on request for use in such capacity, or unless the agency head gives written authorization for use on the basis that its use is in the public interest.” 6-B DCMR § 1804.5 prescribes that if compensation is received for engaging in such activities, “the subject matter shall not be devoted substantially to the responsibilities, programs, or operations” of the employee’s agency, the employee’s official duties or responsibilities, or to information obtained from the employee’s government employment. Per these regulations, the portion of the employee conduct policy requiring employees to gain Agency approval before speaking as an official Agency representative or submitting for publication writings containing official information not otherwise available to the general public which the staff has access to only by reason of his or her government employment is an exercise of the Agency’s management rights, and the Agency has not violated the CMPA by refusing to engage in substantive bargaining. *Washington Teachers Union, Local 6*, Slip Op. No. 450 at p. 9. However, the Agency is still obligated to bargain in good faith over the impact and effects of a management rights decision pending a timely request to bargain by the Union. *D.C. Nurses Association*, Slip Op. No. 1259.

Regarding the Union’s allegations that the Agency has prohibited employees from posting any information in the workplace that is not pre-approved by the Agency, 1 DCMR § 1419 states:

Only the following types of notices or information bulletins may be posted on bulletin boards in non-public areas [of District-owned buildings]:

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- (a) Official business notices of the occupant agency;
- (b) Request for donations which comply under § 1401.3;
- (c) Notices to D.C. employees by concessionaires and other D.C. employees or groups;
- (d) Personal notices of agency employees, such as the sale of an employee's home, request for car pool participants, and other notices of this type; or
- (e) Notices by recognized labor organizations.

Although DYRS asserts that the policy does not violate, and is "wholly compatible with,"² DCMR Tit. 1 § 1419, requiring Agency approval for all postings in DYRS buildings goes beyond the scope of 1 DCMR § 1419. As such, this portion of the employee conduct policy is not "in accordance with applicable laws, rules and regulations," and is therefore not protected as an exercise of management rights. DYRS committed an unfair labor practice in violation of the CMPA when it unilaterally implemented a policy requiring Agency approval for all postings in DYRS buildings without first engaging in substantive bargaining with the Union. The parties will return to a position of *status quo ante*, until such a time as the parties engage in substantive bargaining over this issue.

b) Dress code

Next, AFGE contends that DYRS violated the CMPA by "unilaterally implementing a dress code policy and/or materially altering an existing dress code policy, in violation of past practice and without bargaining with the Union." (Complaint at 7). DYRS asserts that it has maintained a dress code since at least December 10, 2004, in accordance with the Mayor's Reorganization Plan No. 3 of 1986, and that the dress code policy is prescribed pursuant to DCMR Tit. 4 § 513.1, Tit. 4 § 513.2, and Tit. 6b § 1229.2. (Answer at 3).

4 DCMR § 513.1 permits an agency to "prescribe standards of appearance or dress for personnel which serve a reasonable business purpose; for example, to identify its employees to the public by means of a distinctive uniform, or to maintain a neat and clean appearance." Further, 4 DCMR § 513.2 permits an agency to "prescribe standards of appearance or dress for personnel in order to prevent a danger to the health, welfare, or safety of employees or customers; for example, requiring head or hand coverings in food service jobs, or prohibiting loose items of clothing in jobs where the items become caught in machinery." Additionally, DYRS cites to 6b DCMR § 1229.2 in support of its claim that the dress code regulations are prescribed pursuant to District regulations. (Answer at 3). Notwithstanding, this section of the DCMR addresses annual leave, sick leave, and leave without pay, and does not appear to be applicable to this issue.

D.C. Code § 1-617.08(a)(1) grants DYRS the sole right to direct its employees in accordance with applicable law. 4 DCMR §§ 513.1 and 513.2 clearly permit agencies to

² Answer at 4.

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maintain a dress code for their employees. However, the detailed provisions in the DYRS dress code policy may extend beyond the language of the DCMR, and thus cannot be imposed without bargaining. This question is best determined by a hearing examiner, and will be processed through an unfair labor practice hearing.

c) Limitations on conduct outside of work

Further, AFGE alleges violations for unilaterally implementing: (1) “an employee conduct policy that is overly broad, ambiguous, not narrowly tailored to meet the Agency’s legitimate and necessary objectives”; (2) a policy covering employees’ off-duty conduct; and (3) a policy which requires employees to self-report arrest or indictment for certain types of crimes. *Id.* DYRS argues that the portion of the employee conduct policy requiring DYRS staff to self-report their arrest for, indictment on, or conviction of certain felonies and misdemeanors to their immediate supervisor or the Director of DYRS, is prescribed under DCMR Tit. 6b §§ 423.3 and 418.1. *Id.* DYRS admits that pursuant to DCMR Tit. 6b §§ 1800.1 and 1803.1(a)(6), the policy limits DYRS staff’s personal or social media contact with youth under DYRS care or their families, outside of the performance of the staff’s duties. *Id.* Finally, DYRS states that the policy prohibiting DYRS employees from borrowing or lending money from or to each other, except in small amounts, is prescribed under DCMR Tit. 6b § 1803.4. (Answer at 4). DYRS admits that the policy prohibits certain relationships and activities that adversely influence professional conduct or create the appearance of inappropriate behavior while on duty, and notes that the policy is prescribed under DCMR Tit. 6b §§ 1800.1 and 1800.2. (Answer at 5).

AFGE cites no precedent, and the Board can find none, to support its assertion that because the employee conduct policy is allegedly “overly broad, vague, ambiguous, [and] not narrowly tailored to meet the Agency’s legitimate and necessary objectives,” the Agency has thereby violated some part of D.C. Code § 1-617.04(a)(1) and (5). (Complaint at 7). Therefore, this allegation is dismissed.

The employee conduct policy states:

DYRS staff shall self-report directly and without undue delay to their immediate supervisor or Director of DYRS their arrest for, indictment on, or conviction of the following felonies or misdemeanors:

- a) Murder, attempted murder, manslaughter, or arson;
- b) Assault, assault with a dangerous weapon, mayhem, malicious disfigurement or threats to do bodily harm;
- c) Burglary;
- d) Robbery;
- e) Kidnapping;
- f) Illegal use or possession of a firearm;
- g) Sexual offenses, including indecent exposure; promoting, procuring, compelling, soliciting, or engaging in prostitution;

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corrupting minors (sexual relations with children); molesting; voyeurism; committing sex acts in public; incest; rape; sexual assault; sexual battery; or sexual abuse; but excluding sodomy between consenting adults;

- h) Child abuse or cruelty to children; or
- i) Unlawful distribution or possession of or possession with intent to distribute a controlled substance.

(Policy at 5). 6b DCMR 423.3 requires District employees to “disclose to [their] supervisor any arrest, conviction of a crime, plea of nolo contendere, probation before judgment or placement of a case upon a stet docket, or if he or she has been found not guilty by reason of insanity, for any sexual offenses or intra-family offenses in the District of Columbia or their equivalent in any other state or territory, or for any of the felony offenses listed in subsection 418.1(c)(1) through (9) of this chapter, or their equivalent in any other state or territory, immediately after any of these actions occur.” The felony offenses listed in 6b DCMR 418.1(c)(1) – (9) are the same offenses, word for word, as those listed in the employee conduct policy. Per these regulations, the portion of the employee conduct policy requiring DYRS employees to self-report arrest or indictment for certain types of crimes is an exercise of the Agency’s management rights, and the Agency has not violated the CMPA by refusing to engage in substantive bargaining. *See Washington Teachers Union, Local 6*, Slip Op. No. 450 at p. 9. Notwithstanding, the Agency is obligated to bargain in good faith over the impact and effects of a management rights decision pending a timely request to bargain by the Union. *See D.C. Nurses Association*, Slip Op. No. 1259.

The portion of the employee conduct policy limiting personal or social media contact with youth and families under DYRS care states:

1. DYRS staff shall not have personal contact or social media contact with youth under DYRS care or their families other than in the performance of their duties as DYRS employees. DYRS staff shall not have personal or social media contact with such youth after the youth have left the agency’s care except in the performance of their duties as DYRS employees, or after three years have passed since the youth was under the agency’s care.
2. DYRS staff shall not give their personal phone numbers, email addresses, or home or mailing addresses to youth under DYRS care, unless three years have passed since the youth was under the agency’s care.
3. DYRS staff shall not permit youth under DYRS care to use their personal cell phones.

(Policy at 6).

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6b DCMR 1800.1 requires District employees to “at all times maintain a high level of ethical conduct in connection with the performance of official duties,” and to “refrain from taking, ordering, or participating in any official action which would adversely affect the confidence of the public in the integrity of the District government.” 6b DCMR 1800.2 states that “[t]he maintenance of unusually high standards of honesty, integrity, impartiality, and conduct by employees is essential to assure the proper performance of government business and the maintenance of confidence by citizens in their government,” and that “[t]he avoidance of misconduct and conflicts of interest on the part of employees is indispensable to the maintenance of these standards.” 6b DCMR 1800.2. 6b DCMR 1803.1(a)(6) instructs employees to “avoid action, whether or not specifically prohibited by this chapter, which might result in or create the appearance of affecting adversely the confidence of the public in the integrity of the government.” 6b DCMR 1803.1(a)(6). The prohibition on outside personal or social media contact for a three year period following the time that a youth was under the Agency’s care may extend beyond the scope of the DCMR, and thus cannot be imposed without bargaining. This question is best determined by a hearing examiner, and will be processed through an unfair labor practice hearing.

In regard to the portion of the employee conduct policy prohibiting employees from borrowing from or lending money to each other, DYRS cites to 6b DCMR § 1803.4, which states that employees “shall not solicit a contribution from another employee for a gift to an official superior, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay,” but “does not preclude the presentation or acceptance of a voluntary gift of nominal value or of a cash donation in a nominal amount when given on a special, infrequent occasion such as marriage, illness, or retirement.” (Answer at 4). Contrary to DYRS’s assertion, 6b DCMR § 1803.4 does not prohibit employees from borrowing from or lending money to each other, except in small amounts, and cannot be used to support its claim that this portion of the employee conduct policy is an exercise of management rights “in accordance with applicable laws, rules and regulations.” Therefore, DYRS committed an unfair labor practice in violation of the CMPA when it unilaterally implemented a policy prohibiting employees from borrowing from or lending money to each other without first engaging in substantive bargaining with the Union. The parties will return to a position of *status quo ante*, until such a time as the parties engage in substantive bargaining over this issue.

In addition to the above allegations of a failure to bargain in good faith by unilaterally implementing changes to the terms and conditions of employment, AFGE also asserts that DYRS unilaterally implemented an employee conduct policy “concerning, in part, subjects within the ambit of managerial rights,” without first engaging in impact and effects bargaining. (Complaint at 8). In its affirmative defenses, DYRS states that AFGE “demanded decisional bargaining over the employee conduct policy,” and did not request impact and effect bargaining over the exercise of a management right. (Answer at 15, citing Complaint at 3). Further, DYRS contends that Article 31 of the parties’ CBA confers upon the Agency the right “[t]o direct employees of the Department,” as well as:

The sole right, authority and complete discretion to maintain the order and efficiency of the public service entrusted to it, and to operate and manage

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the affairs of the District in all aspects, including but not limited to, all rights and authority held by the Employer prior to the signing of this Agreement.

(Answer at 15).

As discussed *supra*, many of the provisions in the employee conduct policy implicate management rights, but an exercise of management rights does not relieve an employer of its obligation to bargain over the impact and effects of, and procedures concerning, the implementation of management rights. See *Int'l Brotherhood of Police Officers, Local 446 v. D.C. General Hospital*, 41 D.C. Reg. 2321, Slip Op. No. 312, PERB Case No. 91-U-06 (1994); see also *American Federation of Government Employees, Local 383 v. D.C. Dep't of Disability Services*, 59 D.C. Reg. 10771, Slip Op. No. 1284, PERB Case No. 09-U-56 (2012). Unions enjoy the right to impact and effects bargaining concerning a management rights decision only if they make a timely request to bargain. *University of the District of Columbia Faculty Association/NEA v. University of the District of Columbia*, 29 D.C. Reg. 2975, Slip Op. No. 43, PERB Case No. 82-N-01 (1982). "Any general request to bargain over a matter implicitly encompasses all aspects of that matter, including the impact and effects of a management decision that is otherwise not bargainable." *Int'l Brotherhood of Police Officers, Local 446 v. D.C. General Hospital*, 39 D.C. Reg. 9633, Slip Op. No. 322 at p. 3, PERB Case No. 91-U-14 (1992). An unfair labor practice has not been committed until there has been a general request to bargain and a "blanket" refusal to bargain. *American Federation of State, County, and Municipal Employees, District Council 20, Local 2921 v. D.C. Public Schools*, 60 D.C. Reg. 2602, Slip Op. No. 1363 at p. 5, PERB Case No. 10-U-49 (2013) (citing *Fraternal Order of Police/Dep't of Corrections Labor Committee v. D.C. Dep't of Corrections*, 49 D.C. Reg. 8937, Slip Op. No. 679 at p. 9, PERB Case Nos. 00-U-36 and 00-U-40 (2002)).

In the instant case, the parties dispute whether a timely request to bargain was made, and whether impact and effects bargaining occurred at the September 25, 2012, or November 16, 2012, meetings. (Complaint at 4-7; Answer at 8-13, 15). As issues of fact exist concerning whether DYRS violated the CMPA by failing to bargain in good faith with the Union over portions of the employee conduct policy implicating management rights, the matter is best determined after the establishment of a factual record through an unfair labor practice hearing. See *Allen v. Board of Trustees of the University of the District of Columbia*, Slip Op. No. 1416 at p. 3, PERB Case No. 11-U-45 (Sept. 3, 2013).

C. Other affirmative defenses³

The first affirmative defense raised by DYRS is that "OLRCB has negotiating authority for all subordinate agencies under the Mayor of the District of Columbia, pursuant to Mayor's Order 2001-168." (Answer at 15). This argument may be raised before the hearing examiner in response to the Union's allegation that DYRS representatives with negotiating authority did not attend the September 25, 2012, or November 16, 2012, meetings. (Complaint at 4-7).

³ DYRS's second and fourth affirmative defenses are discussed on p. 10, *supra*.

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DYRS's third affirmative defense is that AFGE failed to bargain in good faith in violation of the CMPA when it unilaterally adjourned bargaining. (Answer at 15). Although this allegation may form the basis of an unfair labor practice complaint against the Union, it is not an affirmative defense, and is therefore dismissed.

IV. Conclusion

The Board concludes that DYRS engaged in unfair labor practices, in violation of D.C. Code §§ 1-617.04(a)(1) and (5) when it unilaterally implemented portions of an employee conduct policy requiring Agency approval for all postings in DYRS buildings and prohibiting employees from borrowing from or lending money to each other without first engaging in substantive bargaining with the Union. The Agency will cease and desist from violating the CMPA in this manner, rescind these portions of the employee conduct only, and engage in bargaining with the Union over these subjects. The Agency will also post a notice of these violations where notices to bargaining unit employees are customarily posted in each DYRS building.

In its Complaint, the Union requests an award of attorneys' fees and costs. (Complaint at 8). D.C. Code § 1-617.13 authorizes the Board "to require the payment of reasonable costs incurred by a party to a dispute from the other party or parties as the Board may determine." This does not, however, include an award of attorneys' fees, and therefore no attorneys' fees will be awarded in this case. *American Federation of Government Employees, Local 2725 v. D.C. Dep't of Health*, 59 D.C. Reg. 6003, Slip Op. No. 1003 at p. 6, PERB Case No. 09-U-65 (2009). The Board addressed the criteria for determining whether costs should be awarded in *AFSCME, D.C. Council 20, Local 2776 v. District of Columbia Department of Finance and Revenue*:

First, any such award of costs necessarily assumes that the party to whom the payment is to be made was successful in at least a significant part of the case, and that the costs in question are attributable to that part. Second, it is clear on the fact of the statute that it is only those costs that are "reasonable" that may be ordered reimbursed... Last, and this is the [crux] of the matter, we believe such an award must be shown to be in the interest of justice.

Just what characteristics of a case will warrant the finding that an award of costs will be in the interest of justice cannot be exhaustively catalogued... What we can say here is that among the situation in which such an award is appropriate are those in which the losing party's claim or position was wholly without merit, those in which the successfully challenged action was undertaken in bad faith, and those in which a reasonably foreseeable result of the successfully challenged conduct is the undermining of the union among the employees for whom it is the exclusive representative.

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73 D.C. Reg. 5658, Slip Op. No. 245 at pp. 4-5, PERB Case No. 98-U-02 (2000). In the instant case, it has yet to be determined whether the Union prevailed in a "significant part of the case." *Id.* Therefore, the determination on the award of costs will be held in abeyance pending the outcome of the unfair labor practice hearing in the case.

The parties will proceed to an unfair labor practice hearing to determine: (1) whether DYRS engaged in direct dealing by consulting with union members in drafting the employee conduct policy, in violation of the CMPA; and (2) whether DYRS refused to engage in impact and effects bargaining with the Union over the employee conduct policy, pursuant to a timely request to bargain.

ORDER

IT IS HEREBY ORDERED THAT:

1. The District of Columbia Department of Youth Rehabilitation Services, its agents, and representatives shall cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by unilaterally implementing portions of an employee conduct policy requiring Agency approval for all postings in DYRS buildings and prohibiting employees from borrowing from or lending money to each other without first engaging in substantive bargaining with the American Federation of Government Employees, Local 383.
2. The District of Columbia Department of Youth Rehabilitation Services will return to a position of *status quo ante* on the portions of the employee conduct policy requiring Agency approval for all postings in DYRS buildings and prohibiting employees from borrowing from or lending money to each other.
3. The District of Columbia Department of Youth Rehabilitation Services shall post conspicuously, within ten (10) days from the service of this Decision and Order, the attached Notice where notices to bargaining-unit employees are customarily posted. The Notice shall remain posted for thirty (30) consecutive days.
4. Within fourteen (14) days from the issuance of this Decision and Order, the District of Columbia Department of Youth Rehabilitation Services shall notify the Board, in writing, that the Notice has been posted accordingly.
5. The remaining portions of the Complaint will be referred to a hearing examiner for an unfair labor practice hearing.
6. The Notice of Hearing shall be issued seven (7) days prior to the date of the hearing.

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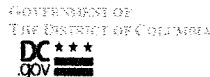
7. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 24, 2014



Public Employee Relations Board



1100 4th Street SW
Suite E630
Washington, DC 20024
Phone: (202) 727-1822
Fax: (202) 727-9118
Email: perb@dc.gov

NOTICE

TO ALL EMPLOYEES OF THE DISTRICT OF COLUMBIA DEPARTMENT OF YOUTH REHABILITATION SERVICES ("DYRS"), THIS OFFICIAL NOTICE IS POSTED BY ORDER OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD PURSUANT TO ITS DECISION AND ORDER IN SLIP OPINION NO. 1449, PERB CASE NO. 13-U-06 (January 24, 2014):

WE HEREBY NOTIFY our employees that the District of Columbia Public Employee Relations Board has found that we violated the law and has ordered DYRS to post this notice.

WE WILL cease and desist from violating D.C. Code § 1-617.04(a)(1) and (5) by the actions and conduct set forth in Slip Opinion No. 1449.

WE WILL cease and desist from interfering, restraining, or coercing employees in the exercise of rights guaranteed by the Labor-Management subchapter of the Comprehensive Merit Personnel Act ("CMPA").

WE WILL cease and desist from unilaterally implementing portions of an employee conduct policy requiring DYRS approval for all postings in DYRS buildings and prohibiting employees from borrowing from or lending money to each other without first engaging in substantive bargaining with the American Federation of Government Employees, Local 383.

District of Columbia Department of Youth
Rehabilitation Services

Date: _____ By: _____

This Notice must remain posted for thirty (30) consecutive days from the date of posting and must not be altered, defaced or covered by any other material.

If employees have any questions concerning this Notice or compliance with any of its provisions, they may communicate directly with the Public Employee Relations Board, whose address is: 1100 4th Street, SW, Suite E630; Washington, D.C. 20024. Phone: (202) 727-1822.

BY NOTICE OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 24, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order and Notice in PERB Case No. 13-U-06 was transmitted via File & ServeXpress to the following parties on this the 24th day of January, 2014.

Ms. Brenda C. Zwack, Esq.
O'Donnell, Schwartz & Anderson, PC
1300 L St., NW
Ste. 1200
Washington, DC 20005

FILE & SERVEXPRESS

Mr. Kevin M. Stokes, Esq.
DC OLRCB
441 4th St., NW
Ste. 820 North
Washington, D.C. 20001

FILE & SERVEXPRESS

/s/ Erin E. Wilcox

Erin E. Wilcox, Esq.
Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

In the Matter of:)	
)	
American Federation of State, County and Municipal Employees, District Council 20 and Local 2091,)	
)	
Complainant,)	PERB Case No. 14-U-03
)	
v.)	Opinion No. 1450
)	
District of Columbia Department of Public Works,)	
)	
Respondent.)	

DECISION AND ORDER

I. Statement of the Case

Complainant American Federation of State, County and Municipal Employees, District Council 20 and Local 2091 ("Union," "AFSCME," or "Complainant") filed the above-captioned Unfair Labor Practice Complaint ("Complaint"), against Respondent District of Columbia Department of Public Works ("Agency," "DPW," or "Respondent") for alleged violations of sections 1-617.04(a)(1) and (5) of the Comprehensive Merit Protection Act ("CMPA"). Specifically, the Union asserts that the Agency unilaterally implemented a production quota for Solid Waste Inspectors. (Complaint at 3). Respondent filed an Answer ("Answer") in which it denied the alleged violations and raised the following affirmative defenses:

- (1) AFSCME failed to serve the Agency;
- (2) There is an insufficiency of service of process;
- (3) AFSCME fails to state a claim upon which relief can be granted; and
- (4) Some of the Union's allegations are untimely.

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(Answer at 1-2)¹.

II. Discussion

A. Background

AFSCME is the exclusive bargaining representative of a unit of DPW employees including Solid Waste Inspectors within the Agency's Solid Waste Education and Enforcement Program ("SWEEP"). (Complaint at 1; Answer at 2). Solid Waste Inspectors in the SWEEP are assigned the duty to issue notices of violations ("NOV") to the responsible individual or entity when a Solid Waste Inspector finds a violation of the District of Columbia's sanitation regulations. (Complaint at 2; Answer at 2). Abating conditions are not grounds for the dismissal of the NOV. *Id.*

AFSCME asserts that in December 2013, DPW began issuing performance evaluations to Solid Waste Inspectors in which employees were held to a production quota of daily or monthly NOV issuances, and that the Solid Waste Inspectors' performance ratings were tied in part to the number of NOVs issued during the measurement period. (Complaint at 2). The Union further alleges that certain Solid Waste Inspectors' performance ratings were adversely affected if they did not meet the production quota established by DPW with respect to NOV issuances, and that in certain instances, Solid Waste Inspectors were faulted for failing to issue at least five NOVs per day or 105 NOVs per month. (Complaint at 2). AFSCME states that the Agency did not engage in bargaining before implementing a production quota on the issuance of NOVs, nor does the parties' working conditions agreement provide for such a quota. *Id.* AFSCME contends that in the past, DPW has publicly denied imposing a production quota for NOVs. Further, the Union asserts that prior to the imposition of the production quota, the Agency held a longstanding past practice of emphasizing community education over fines, and issuing warnings rather than NOVs. (Complaint at 3). AFSCME contends that when evaluating Solid Waste Inspectors, DPW does not consider the issuance of a warning as sufficient to fulfill the NOV production quota. *Id.* Additionally, the Union states that SWEEP is not officially designated as a revenue generating program, but that Solid Waste Inspectors have been told by Agency officials that they must "pay for themselves" by issuing NOVs. (Complaint at 3). AFSCME asserts that the implementation of a production quota is a mandatory subject of bargaining. *Id.*

The Agency denies each of the Union's allegations in the preceding paragraph, and asserts that DPW does not maintain a production quota for issuance of NOVs by Solid Waste Inspectors in the SWEEP. (Answer at 2-3).

B. Agency's Affirmative Defenses

In its first two affirmative defenses, the Agency states that the Union "completely failed to serve the Respondent," and that the Agency became aware of the instant case through a letter from the Board received on December 27, 2013. (Answer at 1). Additionally, "[t]he letter from

¹ The Answer does not contain page numbers, and repeats paragraph numbers. Citations to the Answer will include page numbers as if the document were consecutively paginated.

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[the Board] occurred some eight or nine days after the Union filed the case and wrongfully stated it had served Director William O. Howland.” *Id.*

The certificate of service attached to the Complaint states that Director William O. Howland of DPW was served “electronically and by mail” with the Complaint and its attachments on December 18, 2013, at:

2000 14th Street, NW
Washington, DC 20009

(Complaint at 5). It is unclear how Director Howland was served “electronically”; the transaction report from File & ServeXpress, the Board’s e-filing and service program, indicates that the Complaint and attachments were electronically filed with the Board but not served on other parties via File & ServeXpress². However, the Board permits an initial pleading to be served via U.S. Mail, and the address indicated on the Complaint’s certificate of service is the address publicly listed for the Agency. (www.dpw.dc.gov; accessed January 14, 2014). Additionally, this is the address used by the Board for its December 23, 2013, letter, which was received by the Agency on December 27, 2013. (Answer at 1). Thus, under these specific circumstances, the Board cannot conclude that service of the Complaint was insufficient.

Next, the Agency asserts that the Union has failed to state a claim upon which relief can be granted. (Answer at 1). While a complainant need not prove his or her case on the pleadings, he or she must plead or assert allegations that, if proven, would establish the alleged violations of the CMPA. *See Dade v. Nat’l Association of Government Employees, Local R3-06*, 46 D.C. Reg. 6876, Slip Op. No. 491 at p. 4, PERB Case No. 96-U-22 (1996). If the record indicates that the allegations do concern violations of the CMPA, then the Board has jurisdiction over those allegations and can grant relief accordingly if they are proven. *See Fraternal Order of Police/Metropolitan Police Dep’t Labor Committee v. D.C. Metropolitan Police Dep’t*, 60 D.C. Reg. 9212, Slip Op. No. 1391 at p. 22, PERB Case Nos. 09-U-52 and 09-U-53 (2013). In the instant case, the Union has alleged the unilateral imposition of a production quota system impacting terms and conditions of employment which, if proven, may establish a violation of D.C. Code § 1-617.04(a)(1) and (5). Therefore, the Board cannot conclude that the Union has failed to state a claim upon which relief can be granted.

Finally, the Agency contends that some of AFSCME’s allegations, if valid, would be time-barred. (Answer at 2). Board Rule 520.4 states that unfair labor practice complaints shall be filed not later than 120 days after the date on which the alleged violations occurred. The 120-day time period for filing a complaint begins when a complainant knew or should have known of the acts giving rise to the violation. *Pitt v. D.C. Dep’t of Corrections, et al.*, 59 D.C. Reg. 5554, Slip Op. No. 998, PERB Case No. 09-U-06 (2009). In the instant case, the earliest date included in the Union’s allegations is “December of 2013,” at which time the Union contends the Agency

² The File & ServeXpress system does not permit e-service until a respondent has entered an appearance in a particular case. For initial pleadings, the respondent or respondent’s representative has not yet entered an appearance, and thus can generally not be served via File & ServeXpress. For this reason, the Board permits alternate methods of service of the initial pleading only, including via U.S. Mail.

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began issuing performance evaluations holding bargaining unit employees to a production quota for NOV issuances. (Complaint at 2). The Complaint was filed on December 19, 2013, which is within the 120-day time period required by Board Rule 520.4. Therefore, this affirmative defense is dismissed.

C. Analysis

In the instant case, the Agency disputes almost all of the material facts alleged by the Union. (Answer at 1-3). Notably, the parties disagree on whether a performance quota for NOV issuances exists, whether certain Solid Waste Inspectors were adversely affected in their performance evaluations for failing to meet the production quota, whether the Agency has previously denied imposing a production quota, and whether Agency officials informed Solid Waste Inspectors that they must "pay for themselves in NOVs issued." (Complaint at 2-3; Answer at 2-3). Where the parties dispute material issues of fact which cannot be reconciled by a review of the pleadings alone, the Board must refer the matter to an unfair labor practice hearing to develop a factual record and make appropriate recommendations. *See Fraternal Order of Police/Metropolitan Police Dep't Labor Committee v. D.C. Metropolitan Police Dep't*, 59 D.C. Reg. 5957, Slip Op. No. 999 at p. 9-10, PERB Case No. 09-U-52 (2009); *see also* Board Rule 520.9, 520.10. Therefore, this matter will continue to be processed through an unfair labor practice hearing.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Board's Executive Director shall refer the Unfair Labor Practice Complaint to a Hearing Examiner to develop a factual record and present recommendations in accordance with said record.
2. The Notice of Hearing shall be issued seven (7) days prior to the date of the hearing.
3. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

January 24, 2014

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 14-U-03 was transmitted via File & ServeXpress to the following parties on this the 24th day of January, 2014.

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FILE & SERVEXPRESS

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FILE & SERVEXPRESS

/s/ Erin E. Wilcox

Erin E. Wilcox, Esq.
Attorney-Advisor

Notice: This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia
Public Employee Relations Board**

_____)	
In the Matter of:)	
)	
District of Columbia Nurses Association)	
)	PERB Case No. 10-U-35
Complainant,)	
)	Opinion No. 1451
v.)	
)	
District of Columbia)	
Department of Youth Rehabilitation Services,)	
)	
Respondent.)	
_____)	

DECISION AND ORDER

I. Statement of the Case

On May 27, 2010, the District of Columbia Nurses Association (“DCNA” or “Union”) filed an Unfair Labor Practice Complaint (“Complaint”) against Department of Youth Rehabilitation Services (“DYRS” or “Agency”). On June 7, 2010, DYRS filed an Answer to the Unfair Labor Practice Complaint (“Answer”).

On August 3, 2012, the Board referred the matter to a Hearing Examiner for development of a factual record through an unfair labor practice hearing. *D.C. Nurses Association v. D.C. Dep’t of Youth Rehabilitation Services*, Slip Op. No. 1304, PERB Case No. 10-U-35 (2012).

On November 19, 2012, a hearing was conducted before Hearing Examiner Lois Hochhauser (“Hearing Examiner”). Both parties submitted post-hearing briefs. On July 17, 2013, the Hearing Examiner issued a Report and Recommendation (“Report”). No Exceptions were filed.

II. Hearing Examiner’s Report and Recommendation

The Hearing Examiner found that the Complainant alleged that Respondent “committed an unfair labor practice (ULP) by meeting with Khadejah Viera-Johnson (Ms. Viera herein) a bargaining unit member, to ‘mete out discipline’ without the requested union representative.” (Report at 1). The Respondent answered “denying the charge, contending that the meeting was

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not disciplinary but was held to 'present [Ms. Viera] with the letter of counseling on her time and attendance.'" *Id.*

The Hearing Examiner found the following undisputed facts:

1. Complainant is a labor organization within the meaning of District of Columbia Code Section 1-617.03 (2001 ed.). Pursuant to PERB Case No. 87-R-12, Cert. No. 43 (September 14, 1987) it is the exclusive collective bargaining representative of non-managerial and non-supervisory registered nurses employed by Respondent.
2. Respondent is the District of Columbia Government agency which administers detention, commitment and aftercare services for youth held in its facilities or residing in the District of Columbia. It is an agency defined by District of Columbia Code, Section 1-617.01 (2001 ed.)
3. Khadejah Viera-Johnson was a bargaining unit member and employed by Respondent as a registered nurse during the time pertinent to this matter. Her mother, Sharon Payne, was President of the bargaining unit at DYRS during this time period.
4. Halina Goodwin became Ms. Viera's supervisor in approximately May 2009. Difficulties developed in the relationship between Ms. Viera and Ms. Goodwin. In November 2009, DCNA and DYRS officials met to see if those problems could be resolved, but their efforts were unsuccessful.
5. In May 2009, Agency informed Ms. Viera that her performance was excellent. This evaluation was completed by Ms. Viera's former supervisor.
6. In approximately November 2009, Ms. Goodwin rated Ms. Viera's performance as "marginal."
7. In April 2010, Ms. Goodwin informed Ms. Viera that she was going to issue a Letter of Counseling to Ms. Viera based on tardiness. Ms. Viera denied she had been tardy. A meeting was initially scheduled on April 27, 2010 during which Ms. Goodwin intended to present the Letter to Ms. Viera. However, Ms. Viera stated she wanted to have a union representative present. The meeting was rescheduled for April 30, 2010 to allow her to obtain representation. The meeting did not take place on April 30, 2010.

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8. On May 12, 2010, Catherine Ohler, Human Resources Specialist, and Ms. Goodwin directed Ms. Viera to attend a meeting. At the meeting, Ms. Goodwin gave her the Letter of Counseling.

(Report at 2-3).

DCNA argued that "DYRS committed an unfair labor practice in this matter by holding a meeting with Ms. Viera on May 12, 2010 despite her request that no meeting be held unless a union representative was present." (Report at 4). DCNA asserted that Ms. Viera was entitled to a union representative, because Ms. Viera had "formalized written comments about harassing and intimidating behavior towards her," because Ms. Viera's performance rating was downgraded, and because Respondent engaged in discussion about the alleged misconduct. *Id.*

DYRS argued that "Ms. Viera was not entitled to union representation because the May 12 meeting was not disciplinary, but rather was limited to giving her the Letter of Counseling, and instructing her about her tardiness." *Id.* DYRS asserted that "it 'clearly and overtly told [Ms. Viera] that this was not a corrective or adverse action meeting.'" *Id.*

Ms. Ohler testified "that a Letter of Counseling is neither an adverse action nor a corrective action, but rather is 'informational' or 'counseling,'" and that corrective action ranges from a reprimand to less than a ten-day suspension, and that an adverse action is a ten-day suspension to removal. *Id.* Ms. Ohler stated the meeting was delayed for three days to allow Ms. Viera to have a union representative as a "courtesy." (Report at 5).

The Hearing Examiner found that "[t]he evidence did not establish that Ms. Goodwin attempted to elicit information from Ms. Viera" at the meeting. (Report at 7). The Hearing Examiner found that "DCNA did not meet its burden of proof that the May 12 meeting was disciplinary or investigatory." *Id.* The Hearing Examiner found that "[t]he evidence did not establish that any expectation that the meeting was disciplinary or investigatory in nature was not reasonable." *Id.* The Hearing Examiner further found that "DCNA did not meet its burden of proof that it was reasonable for Ms. Viera to expect the meeting was disciplinary or investigatory." *Id.*

The Hearing Examiner concluded that DCNA did not meet its burden of proof, and recommended the Board dismiss the Complaint. (Report at 8).

III. Discussion

No Exceptions were filed by the Parties. "Whether exceptions have been filed or not, the Board will adopt the hearing examiner's recommendation if it finds, upon full review of the record, that the hearing examiner's 'analysis, reasoning and conclusions' are 'rational and persuasive.'" *Council of School Officers, Local 4, American Federation of School Administrators v. D.C. Public Schools*, 59 D.C. Reg. 6138, Slip Op. No. 1016 at p. 6, PERB Case No. 09-U-08 (2010) (quoting *D.C. Nurses Association and D.C. Department of Human Services*, 32 D.C. Reg. 3355, Slip Op. No. 112, PERB Case No. 84-U-08 (1985)).

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The Board determines whether the Hearing Examiner's Report and Recommendation is "reasonable, supported by the record, and consistent with Board precedent." *American Federation of Government Employees, Local 1403 v. District of Columbia Office of the Attorney General*, 59 D.C. Reg. 3511, Slip Op. No. 873, PERB Case No. 05-U-32 and 05-UC-01 (2012).

Pursuant to Board Rule 520.11, "[t]he party asserting a violation of the CMPA, shall have the burden of proving the allegations of the complaint by a preponderance of the evidence."

In reaching her conclusions, the Hearing Examiner applied *Weingarten* and PERB's subsequent interpretative rulings. (Report at 6) (citing *D.C. Nurses Assoc. v. D.C. Health and Hospitals Public Benefit Corp.*, 45 D.C. Reg. 6736, Slip Op. No. 558, PERB Case Nos. 95-U-03, 97-U-16 and 97-U-28 (1998)).

Like the National Labor Relations Act, the CMPA at D.C. Code § 1-617.04(a)(1) prohibits the District, its agents and representatives from interfering with, restraining or coercing any employee in the exercise of their rights. This Board has recognized a right to union representation during a disciplinary interview in accordance with the standards set forth in *Weingarten. D.C. Nurses Assoc. v. D.C. Health and Hospitals Public Benefit Corp.*, 45 D.C. Reg. 6736, Slip Op. No. 558, PERB Case Nos. 95-U-03, 97-U-16 and 97-U-28 (1998) (recognizing the right to union representation during a disciplinary interview); *see also D.C. Nurses Assoc. and D.C. Dept. of Youth & Rehabilitation Serv.*, 59 D.C. Reg. 12638, Slip Op. No. 1304, PERB Case No. 10-U-35 (2012). The Board has stated: "The *Weingarten* right to union representation arises in situations where an employee requests representation, and is limited to situations where the employee reasonably believes the investigation will result in disciplinary action." *Fraternal Order of Police/Metropolitan Police Dep't v. D.C. Metropolitan Police Dep't*, 60 D.C. Reg. 9181, Slip Op. No. 1378, PERB Case No. 10-U-21 (2013).

The Hearing Examiner assessed the credibility of the witnesses and the probative value of the evidence. The Hearing Examiner found that Ms. Viera's May 12, 2010, meeting was not disciplinary or investigatory in nature. (Report at 7). Additionally, the Hearing Examiner found that the meeting was only to present Ms. Viera with a Letter of Counseling, and that Ms. Viera did not have a reasonable expectation that the meeting was disciplinary or investigatory." *Id.*

The Board has held that "issues of fact concerning the probative value of evidence and credibility resolutions are reserved to the Hearing Examiner." *Tracy Hatton v. FOP/DOC Labor Committee*, 47 D.C. Reg. 769, Slip Op No. 451 at p. 4, PERB Case No. 95-U-02 (1995). The Board will affirm a hearing examiner's findings if they are reasonable and supported by the record. *See American Federation of Government Employees, Local 872 v. D.C. Water and Sewer Authority*, Slip Op. No. 702, PERB Case No. 00-U-12 (2003). The Board finds the Hearing Examiner's findings and conclusions are reasonable, based on the record, and consistent with PERB case law.

IV. Conclusion

Pursuant to D.C. Code § 1-605.02(3) and Board Rule 520.14, the Board has reviewed the findings, conclusions, and recommendations of the Hearing Examiner and the entire record. The Hearing Examiner's found that DCNA did not meet its burden of proof that the May 12, 2010, meeting was not disciplinary or investigatory, based on testimony and the evidence presented, and she further found that the meeting was held only to present Ms. Viera with a Letter of Counseling and not to discuss discipline. (Report at 6-7). In addition, the Hearing Examiner

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found based on the record before her, that Ms. Viera knew in advance that the nature of the meeting was to be presented with the Letter of Counseling, as determined by the Hearing Examiner through Ms. Viera's testimony, and that Ms. Viera did not have a reasonable expectation that the meeting would result in discipline. *Id.* (citing Tr. 36). The Board has reviewed the record relied upon by the Hearing Examiner and finds that the Hearing Examiner's findings are reasonable.

The Hearing Examiner recommended that the Complaint be dismissed. In particular, as stated above, the Hearing Examiner found that the Complainant did not meet its burden of proof by a preponderance of the evidence that the May 12, 2010, meeting was disciplinary or investigatory, and further found that Ms. Viera did not have a reasonable expectation that discipline would result from the meeting. *Id.* The Board has held that a finding of a *Weingarten* violation requires that the "employee reasonably believes the investigation will result in disciplinary action." *Fraternal Order of Police/Metropolitan Police Dep't v. D.C. Metropolitan Police Dep't*, Slip Op. No. 1378, PERB Case No. 10-U-21 (2013). The Board finds that the Hearing Examiner's conclusions are consistent with Board precedent. See *Fraternal Order of Police/Metropolitan Police Dep't v. D.C. Metropolitan Police Dep't*, 60 D.C. Reg. 9181, Slip Op. No. 1378, PERB Case No. 10-U-21 (2013).

A review of the record reveals that the Hearing Examiner's findings and conclusions are supported by evidence, are reasonable, and are consistent with Board precedent. Accordingly, pursuant to Rule 520.14, we adopt the Hearing Examiner's findings and recommendations and affirm the Hearing Examiner's recommended remedies. Therefore, the Board dismisses the Complaint with prejudice.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Complaint is dismissed with prejudice.
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEES RELATIONS BOARD

Washington, D.C.

October 31, 2013

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 10-U-35 was transmitted to the following Parties on this the 27th day of January, 2014:

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