ELECTRONIC-DISTRICT PERSONNEL MANUAL
TRANSMITTAL SHEET
NUMBER 200

The attached pages replace the *Implementing Guidelines and Procedures* in Part II of Chapter 3, Residency, of the Electronic-District Personnel Manual (E-DPM). The main purpose of this transmittal is to delete the provisions on *residency preference* for Excepted Service attorneys, because of the enactment of section 314 of the Technical Amendments Act of 2008 (Act), effective March 25, 2009 (D.C. Law 17-353; D.C. Official Code § 1-609.06(f)). The Act amended D.C. Official Code § 1-609.06(f) to provide that any person applying for or accepting a position in the Excepted Service as an attorney on or after March 25, 2009 shall be subject to the *"domicile requirement"* (D.C. Official Code § 1-609.06 is the *domicile requirement* applicable to appointees to the Excepted and Executive Services). Before the Act became effective, employment as an Excepted Service attorney was subject to the *residency preference* system, not the *domicile requirement*.

Additionally, this transmittal: (1) amends Subpart 7 – *Reporting and Monitoring Requirements* (page 3-II-17), to add language on the employee authorization/release required to obtain District of Columbia and federal tax information about employees subject to a residency requirement from the Office of Tax and Revenue; (2) includes residency forms *DC-2000RP*, *DC Form 300*, *DC Form 300D*, *DC Form 305* (all revised via E-DPM Instruction No. 3-10, *Revised Residency Forms*, dated September 15, 2010); (3) revises *DC Form 306*, *DC Form 307*, and *DC Form 308*, and newly numbered *DC Form 309, Authorization to Release District of Columbia Tax Information Affidavit* (*see* Appendix (Contents)); and (4) makes other minor revisions throughout the document.

MAKE THE FOLLOWING CHANGES TO THE *IMPLEMENTING GUIDANCE AND PROCEDURES* FOR CHAPTER 3, RESIDENCY, CONTAINED IN THE *ELECTRONIC-DISTRICT PERSONNEL MANUAL (E-DPM)*:

REMOVE THESE PAGES	INSERT THESE PAGES
3-II-i, ii; and 3-II-3 through 3-II-21; 3-II-A1 through 3-II-A3; and 3-II-E1 through 3-II-E19 (Transmittal No. 162, March 12, 2008); and 3-II-E11 (Transmittal No. 176, November 26, 2008)	**3-II-i, ii; and 3-II-3 through 3-II-21; 3-II-A1 through 3-II-A3; and 3-II-E1 through 3-II-E23**

November 12, 2010
Date

Brenda L. Gregory
Director

Attachment

ELECTRONIC-DISTRICT PERSONNEL MANUAL
TRANSMITTAL SHEET
NUMBER 202

The attached pages revise Subpart 3 – *Residency Preference in Employment*, of the *Implementing Guidelines and Procedures* in Part II of Chapter 3, Residency, of the Electronic-District Personnel Manual (E-DPM). Specifically, the purpose of this E-DPM Transmittal is to revise Section 3.3 – Application of Residency Preference in the Merit Staffing Process, in Subpart 3, to: add language on the application of the residency preference for *unassembled examinations* (review of DC 2000 Employment Applications/résumés) and *assembled examinations* (*e.g.*, tests for Police Officers, Correctional Officers, and Firefighters).

MAKE THE FOLLOWING CHANGES TO THE *IMPLEMENTING GUIDANCE AND PROCEDURES* FOR CHAPTER 3, RESIDENCY, CONTAINED IN THE *ELECTRONIC-DISTRICT PERSONNEL MANUAL (E-DPM)*:

REMOVE THESE PAGES	INSERT THESE PAGES
3-II-i; and 3-II-9 (E-DPM Transmittal No. 200, November 12, 2010)	**3-II-I; 3-II-9 and 3-II-10**

March 16, 2011
Date

Judy D. Banks
Interim Director

Attachment

PART II

IMPLEMENTING GUIDANCE AND PROCEDURES

CHAPTER 3 OF THE E-DPM: RESIDENCY

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Symbols, Acronyms, and Abbreviations

The following symbols, acronyms, and abbreviations are used throughout this Transmittal:

§	→	Section symbol
CMPA		The Comprehensive Merit Personnel Act of 1979, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq*.). The *CMPA* is the *main personnel law for the District of Columbia government. *[**Note:** There are laws other than the *CMPA* that are applicable to or impact District government employees. For example, Title II of D.C. Law 15-353, the Child and Youth, Safety and Health Omnibus Amendment Act of 2004, not part of the CMPA and codified at D.C. Official Code § 4-1501.01 *et seq*., applies to District government employees who provide direct services to children and youth.]
DCHR	→	D.C. Department of Human Resources
DCMR	→	District of Columbia Municipal Regulations
6 DCMR B	→	Title 6, "Government Personnel," Subtitle B, of the District of Columbia Municipal Regulations. *Subtitle B of Title 6* of the DCMR contains the regulations adopted by the DCHR. Examples of citations from *6 DCMR B* are included below: • Example: A list of acceptable documents to establish (or prove) bona-fide District residency is contained in subsection 306.3 of Chapter 3, "Residency," of Subtitle B of Title 6, "Government Personnel," of the DCMR. The *"DCMR"* citation is: ***6 DCMR B 306.3*** • Example: The DCMR citation for section 307, "Residency Determination Hearings," of Chapter 3, "Residency," of Subtitle B of Title 6, "Government Personnel," of the DCMR is: ***6 DCMR B 307***
E-DPM	→	Electronic-District Personnel Manual. The *E-DPM* is divided in three (3) parts: • ***Part I – Regulations*** • ***Part II – Implementing Guidance and Procedures*** • ***Part III – Instructions and Bulletins*** ***Part I* of the *E-DPM, Regulations***, contains all of the chapters that are part of ***6 DCMR B***. Regulations contained in the *DCMR* have the effect of law. ***Part II* of the *E-DPM, Implementing Guidance and Procedures***, is strictly procedural in nature, and has direct impact and applicability only to subordinate agencies. ***Part III* of the *E-DPM, Instructions and Bulletins***, is strictly procedural in nature, and has direct impact and applicability only to subordinate agencies. The *E-DPM* may be accessed electronically at www.dchr.dc.gov, by clicking on the *"District Personnel Manual"* link.

SUBPART 1. GENERAL

1.1 Statutory and Regulatory Authorities

A. **Statutory authority.** D.C. Official Code § 1-515.01; and sections 801(e), 859, 906, 957, 1059, and 2402(c) of the CMPA (D.C. Official Code §§ 1-608.01(e), 1-608.59(a), 1-609.06, 1-609.57, 1-610.59 and 1-624.02(c)).

B. **Regulatory authority.** 6 DCMR B 300 through 309 and 399.

1.2 Applicability

The residency and domicile requirements apply to applicants for or persons occupying positions in the Career Service, Legal Service, including the Senior Executive Attorney Service, Excepted Service, Management Supervisory Service, and Executive Service.

1.3 Personnel Authority

A. The term *"personnel authority"* means an individual or entity with the authority to administer all or part of a personnel management program as provided in Title IV of the CMPA (D.C. Official Code § 1-604.01 *et seq*.). This term is used throughout this chapter in reference to the personnel authority's responsibility to implement and monitor compliance with the residency requirements.

B. The Director of the DCHR is delegated the authority vested in the Mayor to implement the CMPA; and issue rules and regulations (with the concurrence of the City Administrator or the Mayor). Additionally, the Director of the DCHR functions as personnel authority for employees in agencies under the administrative control of the Mayor, excluding the following:

1. Employees of the D.C. Public Schools;

2. Employees of the Board of Trustees of the University of the District of Columbia;

3. Employees of the Council of the District of Columbia;

4. Employees of the Board of Elections and Ethics;

5. Employees of the Public Service Commission;

6. Employees of the Public Employee Relations Board;

7. Employees of the Office of Employee Appeals;

8. Employees of the Office of the District of Columbia Auditor;

9. Employees of the District of Columbia Armory Board;

10. Employees of the District of Columbia Law Revision Commission;

11. Employees of the District of Columbia Board of Library Trustees;

12. Employees of the District of Columbia Lottery and Charitable Games Control Board;

13. Employees of the District of Columbia Retirement Board;

14. Employees of the Office of Zoning;

15. Employees of the Department of Mental Health;

16. Employees of the Child and Family Services Agency;

17. Employees of the Office of the Chief Financial Officer;

18. Employees of the Office of Administrative Hearings;

19. Employees of the Alcoholic Beverage Regulation Administration;

20. Employees of the Metropolitan Police Department;

21. Employees of the Office of the Tenant Advocate; and

22. Employees of the Department on Disability Services.

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SUBPART 2. RESIDENCY REQUIREMENTS

2.1 Domicile Requirement

A. The Excepted and Executive Service Domicile Requirement Amendment Act of 2002, effective October 1, 2002 (D.C. Law 14-185; D.C. Official Code §§ 1-609.06 and 1-610 59(a)), amended the CMPA to establish a domicile requirement applicable to individuals appointed to positions in the Excepted and Executive Services on or after October 1, 2002.

B. Under the domicile requirement, an appointee to the Excepted or Executive Services is required to be domiciled in the District of Columbia at the time of his or her appointment, or become a domiciliary of the District of Columbia within 180 days of appointment, and shall maintain such domicile during the period of appointment. *See* D.C. Official Code §§ 1-609.06(a) and 1-610.59; and 6 DCMR B 305

C. Proof of District of Columbia domicile for appointees to positions in the Excepted and Executive Services subject to the domicile requirement is established by meeting the 11 requirements listed in section 6 DCMR B 306.5. In addition, each person must provide a minimum of 4 documents from the requirements listed in 6 DCMR B 306.3, for a total of 15 proofs.

D. The personnel authority may waive the domicile requirement for an appointee to the Excepted or Executive Services when the position being filled is designated as hard-to-fill, or when the appointee presents exceptional circumstances. *See* D.C. Official Code §§ 1-609.06(g)(1) and 1-610.59; and 6 DCMR B 305

E. For provisions on the notification and certification requirements applicable to appointees subject to the domicile requirement, see §§ 4.4 and 4.5 of Subpart 4 of this Transmittal.

2.2 Residency Requirement Applicable to Excepted and Executive Service Employees Appointed Before October 1, 2002

A. Persons hired to positions in the Excepted or Executive Services before October 1, 2002 who were required to be bona-fide District residents at the time of appointment, or to become bona-fide District residents within 180 days of appointment, and maintain that residency or forfeit employment, continue to be bound by the terms of the residency requirement in effect before October 1, 2002, for as long as they remain in the position for which hired before that date.

B. Any waiver of the residency requirement applicable to the Excepted or Executive Services granted prior to October 1, 2002 shall continue in effect for as long as the employee occupies the position for which the waiver was granted.

2.3 Residency Requirement Applicable to the Senior Executive Attorney Service

A. Any person appointed to a position in the Senior Executive Attorney Service (SEAS) within the Legal Service is required to be a bona-fide District resident at the time of his or her appointment, or become a bona-fide District resident within 180 days of appointment, and maintain bona-fide District residency during the period of appointment. Proof of bona-fide District residency is established by providing a minimum of 8 documents from the requirements listed in section 6 DCMR B 306.3.

B. The Director of the DCHR may waive the residency requirement for a person appointed to a hard-to-fill position in the SEAS. *See* D.C. Official Code § 1-608.59(c); and 6 DCMR B 304

C. For provisions on the notification and certification requirements applicable to appointees to the SEAS, see §§ 4.3 and 4.5 of Subpart 4 of this Transmittal.

2.4 Residency Preference System

A. **Applicability**. The residency preference system is applicable to initial appointments and competitive promotions to positions in the:

1. Career Service (D.C. Official Code § 1-608.01(e));

2. Legal Service other than the SEAS (D.C. Official Code § 1-608.59(a)); and

3. Management Supervisory Service (D.C. Official Code § 1-609.57).

B. A bona-fide District resident may claim a 10-point residency preference at the time of application for initial appointment or competitive promotion. If selected, the person will be required to maintain bona-fide District residency for a period of 7 consecutive years from the date of initial appointment or competitive promotion. Proof of bona-fide District residency is established by providing no less than 8 documents from the requirements listed in 6 DCMR B 306.3.

C. For provisions on the notification and certification requirements applicable to employees who claim a residency preference, see §§ 4.3 and 4.5 of Subpart 4 of this Transmittal.

2.5 Exemptions to the Residency Requirements

A. Neither the domicile requirement nor the residency requirements explained in §§ 2.1 through 2.4 above apply to persons who meet the following criteria:

1. Any person who was employed by the District government on December 31, 1979 and who is still employed by the District government without having had a break in service of 1 workday or more since that date; or

2. Any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government effective October 1, 1987, without a break in service, and who has not had a break in service since that date.

B. As applicable, any person who meets the criteria listed in § 2.6 (A)(1) or (2) above shall be entitled to a residency preference upon application for a competitive appointment (i.e., promotion, reassignment). *See* 6 DCMR B 301.14 and 301.15; and Subpart 3 of this Transmittal

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SUBPART 3. RESIDENCY PREFERENCE IN EMPLOYMENT

3.1 *Form DC 2000RP – Residency Preference for Employment*

A. *Form DC-2000RP – Residency Preference for Employment,* is to be completed and submitted with the employment application of each individual claiming or entitled to a 10-point residency preference when applying for competitive appointment (initial appointment) or competitive promotion to a position in the Career Service, Legal Service other than the Senior Executive Attorney Service, or the Management Supervisory Service.

B. Except as provided in § 3.2 below, preference will be applied ONLY to qualified applicants who complete *Form DC-2000RP* by checking statement I, II, or V.

C. The reverse side of *Form DC-2000RP* provides applicants with facts on the residency preference system. *See* Exhibit 1 of this Transmittal

3.2 Determination of Entitlement to Residency Preference

A. Preference is applied ONLY to qualified applicants who complete the *Form DC-2000RP* indicating that they are either:

1. Bona-fide residents of the District of Columbia who claim a preference; or

2. Entitled to be afforded a preference.

B. Entitlement to preference:

1. Entitlement to preference will be afforded to pre-January 1, 1980 employees without a break in service; and former St. Elizabeths Hospital employees who accepted employment with the District government without a break in service effective October 1, 1987, and who have not had a break in service since that date.

2. To minimize the possibility of the loss of the entitlement to preference, the appropriate human resources (HR) staff is responsible for determining whether an applicant who did not fill out a claim form could be either a pre-January 1, 1980 employee or a St. Elizabeths employee as described in § 3.2 (B)(1) above.

3. Verification of an employee's entitlement to preference is to be accomplished by reviewing the applicant's official personnel folder (OPF), or requesting verification of the entitlement.

4. An employee entitled to preference who does not submit a *Form DC-2000RP* when applying for a position will be afforded preference as specified herein upon verification of entitlement through a review of his or her OPF.

3.3 Application of Residency in the Merit Staffing Process

A. A ranking system based on a scale of 100 points shall be used for ALL competitive employment decisions. *See* D.C. Official Code § 1-515.01(a)

B. The 10-point residency preference shall be in addition to any points awarded on the 100-point scale.

C. Unassembled Examinations (DC 2000 Employment Application or Résumé)

1. Preference will be applied as follows to *outside applicants* and *District government employees* who claim preference on the basis of their current District of Columbia residency:

(a) If at least 1 qualified *outside applicant* claims preference – 10 points are to be added to the 100-point scale score of each qualified *outside applicant* who claims preference, and to each qualified *District government employee* who claims preference **(10 Points + *RP*)**.

(b) If no qualified *outside applicant* claims preference – no points are to be applied to qualified *District government employees* who claim preference **(No Points, Only *RP*)**.

(c) If all applicants are current *District government employees* only – no points are to be

applied to the score of qualified candidates who claim preference (**No Points, Only *RP***).

2. Preference will be afforded as follows to *pre-January 1, 1980 employees* without a break in service and *former St. Elizabeths Hospital employees* with an entitlement (right) to the preference:

(a) If at least 1 *outside applicant* claims preference – 10 points are to be added to the 100-point scale score of each qualified employee who is entitled to receive preference (**10 Points + *RP***).

(b) If no *outside applicant* claims preference and at least one (1) ***post-January 1, 1980 employee*** claims preference – no points are to be applied to qualified employees who are entitled to receive preference **(No Points, Only RP)**.

(c) If no District of Columbia resident (*outside applicant* or *post-January 1, 1980 employee*) claims preference – no preference credit is to be applied **(Neither Points nor *RP*)**.

3. Candidates ranked in the highest categorical ranking who claim the preference or are afforded the preference as specified in §§ 3.3C1(a) through (c) and 3.3C2(a) and (b) above, respectively, will have the designation *"RP"* placed next to their names and will be listed ahead of non-preference candidates on the selection certificate. When there is more than 1 *RP* candidate, their names are to be listed alphabetically.

D. Assembled Examinations (*e.g.*, police officer, firefighter, and correctional officer positions)

1. Preference is applied in the hiring process for entry-level assembled examinations as follows:

(a) Ten (10) points are to be added to the score of qualified applicants who claim preference.

(b) When there is a tie in the numerical score, the preference candidates will have the designation *"RP"* placed next to their names and will be listed ahead of the non-preference candidates with the same score.

2. Preference is applied in the assembled promotion process (promotional examinations) as follows:

(a) No points are to be added to the score of preference candidates.

(b) When there is a tie in the numerical score, the preference candidates will have the designation *RP* placed next to their names and will be listed ahead of the non-preference candidates with the same score.

(c) In the case of preference candidates with identical numerical scores or non-preference candidates with identical numerical scores, ties will be broken as follows:

(1) In accordance with the provisions of any applicable collective bargaining agreement; or

(2) In descending order beginning with the candidate whose Social Security Number has the highest last digit.

3.4 Responsibilities of Selecting Officials – Unassembled Examinations

A. When a selecting official receives a selection certificate containing residency preference (*RP*) candidates and non-residency preference (*NRP*) candidates, the selecting official must either:

1. Select a *RP* candidate; or

2. Return the selection certificate to the personnel office without action for cancellation of the vacancy announcement.

While there are no provisions for a waiver of the residency preference, in cases of suitability, or when there are clear qualifications issues, a hiring official may submit written justification to the personnel authority requesting selection of a NRP candidate.

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SUBPART 4. NOTIFICATION AND CERTIFICATION REQUIREMENTS

4.1 General

A. Appropriate human resources (HR) staff must ensure that the documents submitted in support of a claim of District residency or domicile are acceptable and sufficient, as well as make final determinations concerning the authenticity and sufficiency of documents submitted by an appointee or employee.

B. The HR representative designated to complete a residency form must sign and date the appropriate form in the box designated for *"Official Use Only"* after ensuring that the employee has read the form, has had an opportunity to ask questions about the residency requirement or the form, has provided the proofs, as applicable, and has completed the appropriate forms.

C. A copy of the completed and signed form must be provided to the employee and the original filed on the right side of the employee's OPF.

D. All proofs submitted are to be copied and retained in the employee's confidential file.

4.2 Offer of Employment Letters

Offer of employment letters prepared for initial appointments and competitive promotions must contain information concerning the applicable residency requirement.

4.3 Notification and Certification of Bona-Fide Residency Requirements (*DC Form 300*)

A. *DC Form 300* is to be completed in the case of new appointments and competitive promotions for:

1. Any person appointed or selected to a position in the Senior Executive Attorney Service (SEAS) within the Legal Service; and

2. Any person who claims a residency preference and is selected.

B. A new hire shall complete and sign the *DC Form 300* on or before the effective date of appointment. *See* 6 DCMR B 301.4 and Exhibit 2 of this Transmittal

C. An employee who claimed the residency preference in applying for competitive promotion and is selected shall complete and sign the *DC Form 300* no later than the day before the effective date of the promotion. *See* DCMR B 301.5 and Exhibit 2 of this Transmittal

D. In signing *DC Form 300*, the person certifies that:

1. He or she has received written notification of the applicable bona fide residency requirement;

2. He or she has read the notice, has been given an opportunity to ask questions about the applicable bona fide residency requirement, and understands the requirement;

3. He or she understands that failure to maintain bona-fide District residency for a period of 7 consecutive years, or bona-fide District residency during the period of appointment, as applicable, will result in forfeiture of employment; and

4. The place of residency stated in the certification is the person's actual, regular, and principal place of residence.

4.4 Notification and Certification of Domicile Requirement (*DC Form 300D*)

A. *DC Form 300D* is to be used when processing persons subject to the domicile requirement. Appointees shall complete and sign the *DC Form 300D* on or before their effective date of appointment. *See* Exhibit 3 of this Transmittal

B. In signing *DC Form 300D*, the person certifies that:

1. He or she has received written notification of the domicile requirement;

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2. He or she has read the notice, has been given an opportunity to ask questions about the domicile requirement and understands the requirement;

3. He or she understands that failure to become a District domiciliary within 180 days of appointment, or to maintain District domicile during the period of appointment, as applicable, will result in forfeiture of employment; and

4. The District of Columbia address stated in the certification is the person's District domicile, as applicable.

4.5 Certification of Submission of Proofs of District Residency or Domicile (*DC Form 305*)

DC Form 305 includes the list of proofs that an appointee subject to a residency or domicile requirement must provide, either on the date of the initial appointment or competitive promotion, or within 180 calendar days of appointment, as applicable. *See* Exhibit 4 of this Transmittal

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SUBPART 5. REEMPLOYMENT AND REINSTATEMENT

5.1 Reemployment

Any person who has been continuously employed by the District government since December 31, 1979 and is involuntarily separated as a result of a reduction-in-force (RIF) and who is later reemployed under the Agency Reemployment Priority Program (ARPP) or Displaced Employee Program (DEP) shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of termination by RIF, if any.

5.2 Reinstatement

A. A person who is reinstated retroactive to the date of termination shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of termination, if any.

B. A person who was receiving disability compensation under the provisions of Title XXIII of the CMPA (D.C. Official Code § 1-623.01 *et seq*.) and who resumes employment with the District government pursuant to section 2345 of the CMPA (D.C. Official Code § 1-623.45) shall be entitled to the same exemption from the residency requirements of this chapter that the person enjoyed on the date of his or her separation from the District government service due to disability, if any.

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SUBPART 6. DOCUMENTING RESIDENCY REQUIREMENTS

6.1 Preparation of the Standard Form 50 Personnel Action

A. **Residency compliance codes**. The human resources (HR) representative responsible for processing Standard Form (SF) 50 personnel actions must ensure that the appropriate residency compliance codes are inputted into the automated personnel system.

B. **Documenting SF 50s Personnel Actions**

1. As applicable, 1 of the following statements must be included in the *"Remarks"* section of the SF 50 personnel action effecting the appointment (including competitive promotion) of a **person who certified on the *DC Form 300* or *DC Form 300D* that he or she is a bona-fide District resident or domiciliary, as applicable, at the time of appointment**:

(a) Residency Preference Appointee (Career Service, Legal Service other than the SEAS, and MSS):

REMARK:

"Employee claimed and was awarded a residency preference and has provided the following documents as proof of bona-fide District residency: (list the **8** documents from 6 DCMR B 306.3). Employee has agreed in writing to maintain bona fide District residency for a period of 7 consecutive years from (Date) to (Date). Failure to maintain bona-fide District residency for the 7-year period will result in forfeiture of employment."

(b) Residency Requirement Appointee (SEAS):

REMARK:

"Employee states that he/she is a District resident and has provided the following documents in support of this statement: (list the **8** documents from 6 DCMR B 306.3). Failure to maintain bona- fide District residency during the period of appointment will result in forfeiture of employment."

(c) Domicile Requirement Appointee (Excepted and Executive Services):

REMARK:

"Employee states that he/she is a domiciliary of the District of Columbia and has provided the following documents in support of this statement: (list the **4** documents from 6 DCMR B 306.3 and add the following language to the sentence: "and copies of the **11** proofs required under the domicile law or sworn affidavits where inapplicable."). Failure to maintain District domicile during the period of appointment will result in forfeiture of employment."

2. As applicable, 1 of the following statements must be included in the *"Remarks"* section of the SF-50 personnel action effecting the appointment of a **person who certified on the *DC Form 300* or *DC Form 300D* his or her intent to become a bona-fide District resident or domiciliary within 180 calendar days of the date of appointment**:

(a) Domicile Requirement Appointee (Excepted Service and Executive Services):

REMARK:

"Employee is not a domiciliary of the District of Columbia and is required to establish District domicile within 180 days of appointment by (Date). Failure to meet this requirement by (Date) will result in forfeiture of employment."

(b) Residency Requirement Appointee (SEAS):

REMARK:

"Employee is not a resident of the District of Columbia and is required to establish bona-fide District residency within 180 days of appointment by (Date). Failure to meet this requirement by (Date) will result in forfeiture of employment."

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3. As applicable, 1 of the following statements must be included in the *"Remarks"* section of the SF-50 personnel action effecting the appointment of a person who has been granted a **waiver of the domicile requirement** because the position appointed to has been designated as hard-to-fill, or because the appointee presents exceptional circumstances:

(a) Domicile Requirement Appointee (Excepted and Executive Services) – Appointment to Hard-to-Fill Position:

REMARK:

"The Mayor (for Executive Service appointees)/ Director of the DCHR (for Excepted Service appointees in subordinate agencies) has granted the appointee a waiver of the domicile requirement upon designating the position hard-to-fill. The waiver of the domicile requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted."

(b) Domicile Requirement Appointee (Excepted and Executive Services) – Appointee who Presents Exceptional Circumstances:

REMARK:

"The Mayor (for Executive Service appointees)/ Director of the DCHR (for Excepted Service appointees) has granted the appointee a waiver of the domicile requirement upon determining that the appointee presented exceptional circumstances. The waiver of the domicile requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted."

4. The following statement must be included in the *"Remarks"* section of the SF-50 personnel action effecting the appointment to the Senior Executive Attorney Service (SEAS) of a person who has been granted a **waiver of the residency requirement** because the position appointed to has been designated hard-to-fill:

REMARK:

"The appointee was granted a waiver of the residency requirement upon designation of the position as hard-to-fill. The waiver of the residency requirement shall remain in effect only for as long as the appointee occupies the position for which the waiver was granted."

5. SF-50 personnel actions shall be processed **upon receipt of the proof to support the claim of bona-fide District residency or domicile**, and a *DC Form 305* completed for an employee who previously certified his or her intent to become a District resident or domiciliary within 180 calendar days of the date of appointment. The nature of the action is to be noted as *"Bona-Fide District Residency Established"* or *"District of Columbia Domicile Established,"* as applicable, and 1 of the following statements used in the *"Remarks"* section of the personnel forms:

(a) Domicile Requirement Appointee (Excepted and Executive Services):

REMARK:

"Employee states that he/she has established District of Columbia domicile and has provided the following documents in support of this statement: (list the **4** documents from 6 DCMR B 306.3 and add the following language at the end of the sentence: "and copies of the 11 proofs required under the domicile law or sworn affidavits where inapplicable."). Failure to maintain District of Columbia domicile during the period of appointment will result in forfeiture of employment."

(b) Residency Requirement Appointee (SEAS):

REMARK:

"Employee states that he/she has established bona- fide District residency and has provided the following documents as proof: (list the **8** documents from 6 DCMR B 306.3). Failure to maintain bona-fide District residency during the period of appointment will result in forfeiture of employment."

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SUBPART 7. REPORTING AND MONITORING REQUIREMENTS

7.1 General

A. By **October 1 of each year**, appropriate staff within the DCHR shall prepare listings, by agency, of employees subject to any of the residency requirements, and transmit each list to the appropriate subordinate agency head. At a minimum, the listings shall include the name and Employee ID Number of each employee subject to a residency requirement.

B. Upon receipt of the listing, the agency head (or designee) will inform each employee on the listing that he or she must submit the following documents to an agency representative by **October 20 of each year** after the 1st year of employment, and up to the end of the required period of bona-fide District residency or domicile:

1. The affidavit required under 6 DCMR B 306.12 (Exhibit 5, 6, or 7, as applicable). The affidavit certifies that, for the preceding 12 months, the employee has complied with the applicable residency requirement, and provides the address used on the employee's most recent individual income tax returns for District of Columbia and federal tax purposes.

2. *DC Form 309, Authorization to Release District of Columbia Tax Information Affidavit* (Exhibit 8). This affidavit authorizes the Director of the DCHR to annually obtain information from the Office of Tax and Revenue (OTR) on employees' tax records pertaining only to whether employees filed District of Columbia and federal tax returns for the year. An employee who refuses to sign *DC Form 309* shall forfeit employment.

C. Agencies shall forward the 2 employee affidavits described in § 7.1B above to the DCHR by **October 22**.

7.2 Annual Verification of Tax Filing Status

A. By **November 1 of each year**, the Director of the DCHR shall submit the *DC Form 309s* received for each employee to the Office of Tax and Revenue (OTR).

B. By **November 15 of each year**, the OTR shall submit information on the filing status of individual tax returns for each employee who completed *DC Form 309*.

C. Upon receipt of the information from the OTR, appropriate staff within the DCHR shall review the information, determine which employees are not in compliance, if any, and advise the appropriate agency head of the action to take. The information shall be used as part of the agency's residency monitoring responsibilities.

7.3 Quarterly Reports and Audits

A. Each agency head shall submit to the Mayor and the Council of the District of Columbia (Council) quarterly reports detailing the names of all new employees, their salary schedules, titles, and place of residence. The report shall explain the reasons for employment of non-District residents. *See* D.C. Official Code § 1-515.01 (c)(1)

B. The Director of the DCHR shall conduct annual audits of each subordinate agency's personnel records to ensure that all persons claiming a residency preference at the time of hiring comply with the requirements. Audit reports shall be submitted annually to the Council. *See* D.C. Official Code § 1-515.01(d)

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SUBPART 8. FAILURE TO ESTABLISH AND MAINTAIN BONA-FIDE DISTRICT RESIDENCY OR DOMICILE

8.1 General

A. An employee who fails to establish bona-fide District residency or to become a District domiciliary within the required time period or to maintain such bona-fide District residency or domicile as required shall **forfeit** his or her position and shall be terminated immediately.

B. Termination of appointment or employment resulting from the failure of an appointee or employee to establish bona-fide District residency, or to become a District domiciliary, or to maintain such bona-fide District residency or domicile as required cannot be appealed to the Office of Employee Appeals (OEA) or through any grievance procedure.

8.2 Prior Notification Requirements

A. **Claim of Residency Preference**

1. The offer letter to an individual who claimed a residency preference at the time of application for initial appointment and is selected for the position must specify that the individual must provide all the required proofs of bona fide District residency not later than the effective date of the appointment. The personnel authority shall not effect the Standard Form (SF) 50 personnel action for the appointment until all the appropriate proofs are received.

2. The offer letter to an employee who claimed a residency preference at the time of application for a competitive promotion or a competitive appointment other than initial appointment or promotion (i.e., competitive reassignment) and is selected for the position must specify that the employee must provide all the required proofs of bona fide District residency not later than the effective date of the promotion or other appointment. The personnel authority shall not effect the SF 50 personnel action for the competitive promotion until all the appropriate proofs are received.

B. **Senior Executive Attorney Service (SEAS) Employees Subject to Residency Requirement and Excepted and Executive Services Employees Subject to the Domicile Requirement**

1. The offer letter to an appointee to a SEAS position; or an appointee to a position in the Excepted or Executive Services subject to the domicile requirement must contain information concerning the applicable requirement.

2. SEAS employees and employees subject to the domicile requirement who are to establish bona-fide District residency or domicile within 180 days of appointment should be provided with a written notice (Exhibit 10 or 11, as applicable) at least 30 days prior to the 180th day of the appointment, reminding them of the applicable requirement.

3. The written notice will:

(a) Specify the date by which the employee is to establish bona-fide District residency or domicile, as applicable;

(b) Include the listing(s) of the proofs required to establish bona-fide District residency or domicile, as applicable; and

(c) Serve as notification to the employee that if all of the required proofs are not received by the specified date, he or she will be terminated immediately thereafter.

4. The required proofs to establish bona-fide District residency or domicile, as applicable, must be received in the personnel office by 5:00 p.m. on the 180th day of the appointment.

5. Failure to provide prior notification shall in no way affect the validity of a termination based upon failure to comply with the bona-fide District residency or domicile requirement, as applicable, as forfeiture of the position is required by law. *See* D.C. Official Code §§ 1-608.59(b) and 1-609.06(a)

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8.3 Forfeiture and Termination

A. An employee subject to a residency or domicile requirement who fails to provide all of the required proofs as specified in § 8.2 above will forfeit his or her position effective on the 181st day after appointment. The effective date of the forfeiture SF 50 personnel action shall not be a Saturday, Sunday, or legal holiday, but shall be the next day which is not a Saturday, Sunday, or legal holiday.

B. As specified in Subpart 9 of this Transmittal, an employee subject to a residency requirement who, having established bona-fide District residency or having become a District domiciliary, fails at any time after that to maintain such bona-fide District residency or domicile for the required time period will be terminated from District government service.

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SUBPART 9. ALLEGATIONS OF RESIDENCY VIOLATIONS AND TERMINATIONS FOR NON-COMPLIANCE

9.1 General

A. Whenever the personnel authority has reasonable cause to believe that an employee of an agency subject to its personnel authority is not in compliance with a residency requirement, the personnel authority shall issue a written notice to the employee to show cause why his or her position should not be forfeited (Exhibit 8 or 9, as applicable). *See* 6 DCMR B 307.1(a)

Whenever an agency head has reasonable cause to believe that an agency employee is not in compliance with a residency requirement, the agency head (or designee) shall notify the personnel authority, and request that the personnel authority issue a written notice to the employee to show cause why his or her position should not be forfeited (Exhibit 8 or 9, as applicable). *See* 6 DCMR B 307.1(b)

B. The notice to show cause shall be issued **ONLY** during the period of time that the employee is required to maintain bona-fide District residency or District domicile, as applicable.

C. If the employee issued the notice to show cause intends to present documents, facts, and circumstances to demonstrate compliance with the residency or domicile requirements, a pre-hearing conference shall be conducted by the personnel authority. The employing agency shall have the burden of proof and persuasion concerning the employee's alleged non-compliance.

D. Termination resulting from non-compliance with a residency requirement cannot be appealed to the Office of Employee Appeals or grieved through any grievance procedure.

9.2 Terminations

A. The agency head (or designee) shall submit the necessary documentation to the personnel authority to immediately terminate an employee who has forfeited his or her position due to non-compliance with a residency requirement.

B. **Documenting forfeiture actions**. One (1) of the following statements must be included in the *"Remarks"* section of the Standard Form 50 personnel action effecting the termination of an employee who has forfeited his or her position due to non-compliance with a residency requirement:

REMARK:

(a) Career Service: "Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-608.01(e);"

(b) Legal Service (including the Senior Executive Attorney Service) – "Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-608.59;"

(c) Excepted Service – "Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-609.06;"

(d) Management Supervisory Service – "Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-609.57;" or

(e) Executive Service – "Employee terminated for failure to comply with the residency requirement of D.C. Official Code § 1-610.59."

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Exhibit 1: FORM DC-2000RP, Residency Preference for Employment

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

FORM DC-2000RP – RESIDENCY PREFERENCE FOR EMPLOYMENT

[PART OF EMPLOYMENT APPLICATION]

NOTE: *Residency Preference* is claimed at the time of application for a position in the Career Service, Educational Service, Legal Service other than the Senior Executive Attorney Service ("SEAS"), or Management Supervisory Service. Persons submitting paper applications shall complete this form to claim/decline the preference; persons applying online shall follow the online application process to claim/decline the preference. Except for applicants covered under Sections I or II below, residency preference, if applicable, will not be granted unless this form is completed at the time of application; or unless preference is claimed electronically (online) at the time of application.

Name: _____ Last 4 Digits of SSN: _____
(Print – Last Name, First Name, Middle Initial)

Position Applied for: _____ Job Requisition No.:_____
(Print)

CHECK (√) ONLY ONE (1) OF THE FOLLOWING STATEMENTS:

I.

❑ I, the undersigned, am currently a District government employee whose service began on or before December 31, 1979 and has been continuous since that date. I understand that I will not be required to submit proof of or establish or maintain residency as a result of receiving preference.

II.

❑ I, the undersigned, am a former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government, without a break in service, effective October 1, 1987. My service with the District government has been continuous since that date. I understand that I will not be required to submit proof of or establish or maintain residency as a result of receiving preference.

III.

❑ I, the undersigned, am not a bona fide District resident and I understand that I am not entitled to the 10-point residency preference.

IV.

❑ I, the undersigned, am a bona fide District resident and I **DECLINE** the residency preference.

V.

❑ I, the undersigned, am a bona fide District resident and I claim a residency preference in applying for the position indicated above. My current address is _____ _____. I have read the *"Facts on Residency Preference"* on the reverse side of this form, and I understand that if selected for this position I will be required to submit no less than 8 proofs of bona fide District residency on or before the effective date of the appointment; and maintain such bona fide District residency for a period of 7 consecutive years from the date of appointment or promotion or forfeit the position. Further, I understand that if before the end of the 7-year period to maintain bona-fide District residency I apply and am selected for another position without having claimed the preference for that position, I will still be required to fulfill my obligation to maintain bona-fide District residency for the remainder of the 7-year period.

_____ _____
Applicant's Signature **Date (Month, Day, Year)**

FACTS ON RESIDENCY PREFERENCE

(1) An applicant for initial appointment with the District government in the **Career Service, Educational Service, Legal Service other than the Senior Executive Attorney Service (SEAS), or Management Supervisory Service** who is a bona fide District resident **AT THE TIME OF APPLICATION** may be awarded a residency preference of 10-points, unless he/she declines the preference points.

(2) An employee who applies for a competitive promotion in the services listed in no. 1 above and who is a bona fide District resident **AT THE TIME OF APPLICATION** may be awarded a residency preference of 10-points, unless he/she declines the preference points.

(3) The 10-point residency preference is to be claimed by completing the front of this form and submitting the form with the employment application.

(4) A bona fide District resident who declines the 10-point residency preference **AT THE TIME OF APPLICATION** for initial appointment or competitive promotion, if found to be qualified, WILL NOT receive any preference. If selected, the person is not required to maintain bona fide residency.

(5) Residency preference will be afforded as follows:

- The 10 preference points will be added to any points awarded to the person on the 100-point scale used to rank qualified applicants for the position.
- For competitive promotions, except promotional examinations (*e.g.*, police officers, firefighters), the 10-point preference will be added to any points awarded to each qualified employee on the 100-point scale used to rank the qualified employees.
- Preference candidates will be selected ahead of equally qualified non-preference candidates.

(6) A person who is awarded a 10-point residency preference and is selected for the position must agree in writing no later than the date of appointment to maintain bona fide District residency for a period of 7 consecutive years from the effective date of his or her appointment; and shall submit **no less than 8 proofs of bona-fide District residency on or before the effective date of the appointment**. Failure to maintain bona fide District residency will result in forfeiture of employment.

(7) The requirement to maintain bona fide District residency is applicable ONLY to an applicant and employee who is awarded a 10-point residency preference at the time of application for initial appointment or competitive promotion and is selected.

(8) Entitlement to preference: Any person who was employed by the District government on December 31, 1979, and who is still employed by the District government without having had a break in service of 1 workday or more since that date; or, pursuant to the provisions of Pub. Law No. 98-621, any former employee of the U.S. Department of Health and Human Services at St. Elizabeths Hospital who accepted employment with the District government without a break in service effective October 1, 1987 and who has not had a break in service since that date, will be granted a residency preference upon application for a **COMPETITIVE PROMOTION** in the services listed in no. 1 above, if at least 1 qualified applicant for the position has claimed a residency preference. If selected, the employee is not required to establish or maintain bona fide District residency.

(9) An employee who is under a 7-year residency requirement who thereafter is awarded a 10-point residency preference in applying for another position (i.e., competitive promotion), if selected, will be required to begin a new 7-year residency requirement effective the date of the new appointment.

Exhibit 2: DC FORM 300, Notification and Certification of Bona-Fide Residency Requirements

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 300 – NOTIFICATION AND CERTIFICATION OF BONA-FIDE RESIDENCY REQUIREMENTS

NOTIFICATION

1. Any person who claims a residency preference at the time of application for employment or promotion to a position in the Career Service, Legal Service other than the Senior Executive Attorney Service (SEAS), or Management Supervisory Service, and who is selected for the position is required to maintain bona-fide District residency for a period of 7 consecutive years from the date of appointment to the position. Failure to maintain bona-fide District residency for the 7-year period will result in forfeiture of employment.

2. Any person who applies for a position in the SEAS within the Legal Service and who accepts appointment or is hired to fill a position in the SEAS must either:

   a. Be a bona-fide resident of the District of Columbia at the time of appointment and maintain such residency during the period of his or her appointment; or
   b. Become a bona-fide resident of the District of Columbia within 180 calendar days of the date of his or her appointment and maintain such residency during the period of his or her appointment.

3. Failure to comply with the applicable residency requirement set forth above will result in forfeiture of employment.

4. No single document, fact, or circumstance is conclusive in order to determine bona-fide District residency; the following documents may be considered. In order to support a claim of bona-fide District residency, you are required to submit **no less than 8 of the documents listed below on or before the effective date of the appointment**:

   a) Voter registration; b) Motor vehicle registration; c) Motor vehicle driver permit; d) Withholding and payment of individual income taxes, including copies of D.C. tax returns certified by the D.C. Office of Tax and Revenue and copies of certified federal tax returns filed with the U.S. Internal Revenue Service; e) Certified deed or lease or rental agreement for real property; f) Cancelled checks or receipts for mortgage or rental payments; g) Utility bills and payment receipts; h) bank account statement in the District of Columbia in the name of the employee; i) credit card or brokerage statements mailed to employee's residence; and j) automobile insurance statements for the employee based upon District residence.

CERTIFICATION

I certify that I have received and read the above notification of the residency requirement and that I have been given the opportunity to ask questions about the residency requirement and that I understand the requirement. [Check the statement that applies to you. The 1st statement is for use by individuals who claimed residency preference; the 2nd and 3rd for individuals in the SEAS]:

❑ I am currently a bona-fide resident of the District of Columbia and I certify that the address stated below is my actual, regular and principal place of residence. I understand that if I fail to maintain bona-fide District residency for a period of 7 consecutive years, I will forfeit my position with the District government.

❑ I am currently a bona-fide resident of the District of Columbia and I certify that the address stated below is my actual, regular and principal place of residence. I understand that if I fail to maintain bona-fide District residency during the period of appointment, I will forfeit my position with the District government.

❑ I intend to become a bona-fide resident of the District of Columbia within 180 calendar days of the date of my appointment. I understand that if I fail to become a bona-fide District resident within 180 calendar days of the date of appointment or fail to maintain bona-fide District residency during the period of appointment after becoming a bona-fide District resident, I will forfeit my position with the District government.

Full Name (Type or Print)	Complete Street Address (Include Apt. #)
Signature and Date	City/State/Zip Code

OFFICIAL USE ONLY

❑ Documents presented support bona-fide District residency. ❑ SEAS selectee – Must become a bona-fide District resident within 180 days, by _____. (Date)	
(Position Control Number, Position Title, Series and Grade)	Signature of DCHR Processing Official
(Type of Appointment and Effective Date of Appointment)	Date

Exhibit 3: DC FORM 300D, Notification and Certification of Domicile Requirement

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 300D – NOTIFICATION AND CERTIFICATION OF DOMICILE REQUIREMENT

NOTIFICATION

1. Any person who applies for a position in the Excepted or Executive Services and who accepts appointment or is hired to fill a position in the Excepted or Executive Services must either:

   a. Be a domiciliary of the District of Columbia at the time of appointment and maintain such domicile during the period of his or her appointment; or

   b. Become a domiciliary of the District of Columbia within **180 calendar days** of the date of his or her appointment and maintain such domicile during the period of his or her appointment.

2. Failure to comply with the domicile requirement set forth above will result in forfeiture of employment.

3. No single document, fact, or circumstance is conclusive in order to determine District of Columbia domicile; the following documents may be considered. In order to support a claim of District of Columbia domicile, an individual must submit a minimum of **4** of the documents listed below:

   (a) Voter registration; (b) Motor vehicle registration; (c) Motor vehicle driver permit; (d) Withholding and payment of individual income taxes, including copies of D.C. tax returns certified by the D.C. Office of Tax and Revenue and copies of certified federal tax returns filed with the U.S. Internal Revenue Service; (e) Certified deed or lease or rental agreement for real property; (f) Cancelled checks or receipts for mortgage or rental payments; and (g) Utility bills and payment receipts; h) bank account statement in the District of Columbia in the name of the employee; i) credit card or brokerage statements mailed to the employee's principal place of residence in the District of Columbia; and j) automobile insurance statements for the employee based upon employee's principal place of residence in the District of Columbia.

4. In addition to the **4** items specified above, in order to fully support a claim of District of Columbia domicile you must provide **all** of the items listed below, for a combined total of **15 proofs**:

   (a) A copy of a change of address form filed with the United States Postal Service containing the address of the employee's principal place of residence in the District of Columbia;
   (b) A copy of an executed contract of sale for the real property that was the employee's principal place of residence at the time of accepting the appointment, if the employee owns a principal place of residence outside of the District of Columbia; or a copy of a change in the public records of the state where the employee was domiciled to show that the residence outside of the District of Columbia is no longer the employee's principal place of residence;
   (c) Copies of utility bills, including electric, gas, telephone, cable, water, or other residency bills associated with occupying real property in the District of Columbia, where the billing and mailing address are the same as the principal place of residence in the District of Columbia of the employee;
   (d) A copy of a bank account statement in the District of Columbia in the name of the employee;
   (e) Copies of District of Columbia and federal income tax returns that use the District of Columbia address which is the employee's principal place of residence;
   (f) Copies of professional dues statements mailed to the employee's principal place of residence in the District of Columbia;
   (g) A sworn affidavit from the employee attesting that the administration of the employee's estate is subject to District of Columbia probate and estate taxes;
   (h) Copies of credit card or brokerage account statements mailed to the employee's principal place of residence in the District of Columbia;
   (i) Copies of automobile, health, and life insurance contracts for the employee based upon the employee's principal place of residence in the District of Columbia;
   (j) Copies of mortgage statements for the employee's principal place of residence in the District of Columbia, or an executed lease for the employee's principal place of residence in the District of Columbia; **and**
   (k) A sworn affidavit from the employee attesting that his or her income, from any source, is subject to District of Columbia withholding tax and taxation.

5. As needed, and in accordance with D.C. Official Code § 1-609.06(c)(2), a person shall fulfill the proof of domicile requirements by submitting a sworn affidavit affirming that he or she has undertaken affirmative actions to comply with the requirements listed in sections 3 and 4 of this form and, if a requirement is inapplicable, stating the reasons why the requirement does not apply.

(OVER)

CERTIFICATION

I certify that I have received and read the above notification of the domicile requirement, that I have been given the opportunity to ask questions about the domicile requirement, and that I understand the requirement. Check the statement that applies to you:

❑ I certify that I am currently a domiciliary of the District of Columbia, and that I reside at the address stated below. I understand that if I fail to maintain District domicile during the period of appointment, I will forfeit my position with the District government.

❑ I intend to become a domiciliary of the District of Columbia within **180 calendar days** of the date of my appointment. I understand that if I fail to become a domiciliary of the District of Columbia within 180 calendar days of the date of appointment or fail to maintain District domicile during the period of appointment, I will forfeit my position with the District government.

Full Name (Type or Print)	Complete Street Address (Include Apt. #)
Signature and Date	City/State/Zip Code

OFFICIAL USE ONLY

❑ Documents presented support claim of District of Columbia domicile. ❑ Selectee must become a District of Columbia domiciliary within 180 days, by _____. (Date)	
(Position Control Number, Position Title, Series and Grade)	Signature of DCHR Processing Official
(Type of Appointment and Effective Date of Appointment)	Date

Exhibit 4: DC FORM 305, CERTIFICATION OF SUBMISSION OF PROOFS OF DISTRICT RESIDENCY OR DOMICILE

GOVERNMENT OF THE DISTRICT OF COLUMBIA

D.C. Department of Human Resources

DC FORM 305 – CERTIFICATION OF SUBMISSION OF PROOFS OF DISTRICT RESIDENCY OR DOMICILE

I, _____, hereby submit the following proofs and certify that I
Full Name (Type or Print)
I am/have become a bona-fide District resident or domiciliary, that is, that I maintain a place of abode in the District of Columbia as my actual, regular and principal place of residency.

I. Employees who claimed a residency preference at the time of initial appointment or competitive promotion and were selected; and Senior Executive Attorney Service (SEAS) employees **must** submit no less than **8 documents** from the list below as proof of bona fide District residency. Excepted and Executive Service employees subject to the domicile requirement **must** submit a minimum of **4 documents** from the list below as proof of bona-fide District residency, as applicable:

- ❑ Voter registration
- ❑ Motor vehicle registration
- ❑ Motor vehicle driver permit
- ❑ Withholding and payment of individual income taxes, including copies of District of Columbia tax returns certified by the D.C. Office of Tax and Revenue; and copies of certified federal tax returns filed with the U.S. Internal Revenue Service
- ❑ Certified deed or lease or rental agreement for real property
- ❑ Cancelled checks or receipts for mortgage or rental payments
- ❑ Utility bills and payment receipts: _____, _____, _____, _____.
- ❑ Bank statement in the District of Columbia in the name of the employee
- ❑ Credit card or brokerage account statements mailed to employee's principal place of residence in the District of Columbia
- ❑ Automobile insurance statements for the employee based upon employee's principal place of residence in the District of Columbia

II. In addition to a minimum of **4** of the documents from the list above, every Excepted Service and Executive Service employee subject to the domicile requirement **must** submit copies of each of the **11 documents** listed on page 2, or file a sworn affidavit affirming that he or she has taken affirmative action to comply with each requirement or, if a requirement is inapplicable, the reasons why the requirement does not apply:

(OVER)

- ❑ 1. A copy of a change of address form filed with the United States Postal Service containing the employee's principal place of residence in the District of Columbia;
- ❑ 2. A copy of an executed contract of sale for the real property that was the employee's principal place of residence at the time of accepting the appointment, if the employee owns a principal place of residence outside of the District of Columbia; or
- ❑ 2a. A copy of a change in the public records of the state where the employee was domiciled to show that the residence outside the District of Columbia is no longer the employee's principal place of residence;
- ❑ 3. Copies of utility bills, including electric, gas, telephone, cable, water, or other residency bills associated with occupying real property in the District of Columbia, where the billing and mailing addresses are the same as the principal place of residence of the employee in the District of Columbia;
- ❑ 4. A copy of a bank account statement in the District of Columbia in the name of the employee;
- ❑ 5. Copies of District of Columbia and federal income tax returns that use the District of Columbia address which is the employee's principal place of residence;
- ❑ 6. Copies of professional dues statements mailed to the employee's principal place of residence in the District of Columbia;
- ❑ 7. A sworn affidavit from the employee attesting that the administration of the employee's estate is subject to District of Columbia probate and estate taxes;
- ❑ 8. Copies of credit card or brokerage account statements mailed to the employee's principal place of residence in the District of Columbia;
- ❑ 9. Copies of automobile, health, and life insurance contracts for the employee based upon the employee's principal place of residence in the District of Columbia;
- ❑ 10. Copies of mortgage statements for the employee's principal place of residence in the District of Columbia, or an executed lease for the employee's principal place of residence in the District of Columbia; and
- ❑ 11. A sworn affidavit from the employee attesting that his or her income, from any source, is subject to District of Columbia withholding tax and taxation.
- ❑ 12. Sworn affidavit(s) attesting that affirmative actions have been taken to comply with requirements **number 1 through number 11 above**, or if a requirement is inapplicable, the reasons why the requirement does not apply (specify the number of sworn affidavits submitted and the requirement addressed by each sworn affidavit):

_____

_____

_____

_____ _____

Employee's Signature Date

OFFICIAL USE ONLY

I, _____, certify that I received the documents checked above.
(Print Name of Personnel Representative)

_____ _____

Personnel Representative's Signature Date

Exhibit 5: DC FORM 306, CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY REQUIREMENT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 306 – CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY REQUIREMENT AFFIDAVIT [Senior Executive Attorney Service (SEAS)]

YEAR: _____

I, _____, hereby certify that for the preceding _____ months
Employee's Name – Print #
I have been a bona-fide resident of the District of Columbia, that is, I have maintained a place of abode in the District of Columbia as my actual, regular, and principal place of residency. I further certify that during the above-stated period I have been and am currently in compliance with the residency requirement; and that my home address(es) for this period has/have been the following: [List home address(es) in reverse order starting with the most recent]:

_____

_____

Additionally, the address(es) used on my most recent individual income tax returns for District of Columbia and federal tax purposes for the year ____ is/are as follows:

District of Columbia tax return: _____

Federal tax return: _____

I understand that this annual certification of my status as a bona-fide District resident is required. I understand that as a condition of employment I must continue to maintain bona-fide District residency during the period of my appointment, and that failure to maintain bona-fide District residency during the period of my appointment will result in forfeiture of my position and separation from District government employment.

_____ _____
Employee's Signature Date

Employing Agency: _____ Employee ID # _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ___ DAY OF _____,

_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Exhibit 6: DC FORM 307, CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY PREFERENCE REQUIREMENT AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 307 – CERTIFICATION OF COMPLIANCE WITH THE RESIDENCY PREFERENCE REQUIREMENT AFFIDAVIT [Career Service, Educational Service, Legal Service other than the SEAS, and Management Supervisory Service]

YEAR: _____

I, _____, hereby certify that for the preceding ____ months
Employee's Name – Print #
I have been a bona-fide resident of the District of Columbia, that is, I have maintained a place of abode in the District of Columbia as my actual, regular and principal place of residency. I further certify that during the above-stated period I have been and am currently in compliance with the residency preference that I claimed and was afforded to me; and that my home address(es) for this period has/have been the following: [List home address(es) in reverse order starting with the most recent]:_____

_____

In addition, the address(es) used on my most recent individual income tax returns for District of Columbia and federal tax purposes for the year ____ is/are as follows:

District of Columbia tax return: _____

Federal tax return: _____

I understand that this annual certification of my status as a bona-fide resident of the District of Columbia is required. I understand that I must continue to maintain bona-fide District residency for a period of: ❑ five (5) consecutive years from the effective date of my appointment (*Residency-Preference* (*RP*) appointment effective before 02/06/08); or ❑ seven (7) consecutive years from the effective date of my appointment (*RP* appointment effective on or after 02/06/08).

I further understand that failure to maintain bona-fide District residency for the above-stated period will result in forfeiture of my position and separation from District government employment.

_____ _____
Employee's Signature Date

Employing Agency: _____ Employee ID #: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____, _____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Exhibit 7: DC FORM 308, CERTIFICATION OF COMPLIANCE WITH THE DOMICILE REQUIREMENT AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 308 – CERTIFICATION OF COMPLIANCE WITH THE DOMICILE REQUIREMENT AFFIDAVIT [Excepted Service and Executive Service]

YEAR: _____

I, _____, hereby certify that for the preceding ____ months
Employee's Name – Print #
I have been a domiciliary of the District of Columbia. I further certify that during the above-stated period I have been and am currently in compliance with the domicile requirement; and that my home address(es) has/have for this period been the following [List home address(es) in reverse order starting with the most recent]:

_____

_____

Additionally, the address(es) used on my most recent individual income tax returns for District of Columbia and federal tax purposes for the year ___ is/are as follows:

District of Columbia tax return: _____

Federal tax return: _____

I understand that this annual certification of my status as a domiciliary of the District of Columbia is required. I understand that as a condition of employment I must continue to be domiciled in the District of Columbia during the period of my appointment, and that failure to be domiciled in the District of Columbia during the period of my appointment will result in forfeiture of my position and separation from District government employment.

_____ _____
Employee's Signature Date

Employing Agency: _____ Employee ID #: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,

_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Exhibit 8: DC FORM 309, AUTHORIZATION TO RELEASE DISTRICT OF COLUMBIA TAX INFORMATION AFFIDAVIT

GOVERNMENT OF THE DISTRICT OF COLUMBIA
D.C. Department of Human Resources

DC FORM 309 – AUTHORIZATION TO RELEASE DISTRICT OF COLUMBIA TAX INFORMATION AFFIDAVIT [All Services]

TAX YEAR: _____

I hereby authorize the Director of the D.C. Department of Human Resources (DCHR) (or his or her designee), bearing the release or copy thereof, within 6 months of its date, to obtain information in my District of Columbia tax records pertaining only to whether I filed District of Columbia and federal tax returns for the above-referenced tax year. This release is executed with full knowledge and understanding that the information is for the official use of the DCHR to establish compliance with District of Columbia government residency/domicile requirements attached to my employment with the District of Columbia government, and may not be disseminated to third parties without my written consent.

I hereby release the custodian of such District of Columbia tax records from any and all liability for damages of any kind, which may at any time result to me, my heirs, family, or associates, because of compliance with this authorization and request to release information, or any attempt to comply with it.

I hereby authorize the Office of Tax and Revenue (OTR), Office of the Chief Financial Officer, to access, review, and research my tax records for the above-referenced tax year. I further authorize the OTR to stipulate whether I filed District of Columbia tax returns for the above-referenced year or any part of the year thereof, to an authorized representative of the DCHR Director. I understand that the information received from the OTR pursuant to this release will be placed in a confidential (secure) file to be maintained by the DCHR, and that it shall not be subject to dissemination to any individual outside the DCHR.

Finally, I understand that failure on my part to file this affidavit will result in forfeiture of my position and separation from District government employment.

Full Name (Print): _____

Full Name (Signature): _____

Position Title: _____

Employing Agency: _____ Employee ID #: _____

SUBSCRIBED AND SWORN TO BEFORE ME THIS ____ DAY OF _____,

_____.

_____
NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

Exhibit 9: SAMPLE SHOW CAUSE LETTER – DISTRICT RESIDENCY OR DOMICILE REQUIREMENT – SENIOR EXECUTIVE ATTORNEY SERVICE; AND EXCEPTED AND EXECUTIVE SERVICES

[SAMPLE SHOW CAUSE LETTER: RESIDENCY REQUIREMENT – SENIOR EXECUTIVE ATTORNEY SERVICE; AND DOMICILE REQUIREMENT – EXCEPTED AND EXECUTIVE SERVICES] (Do Not Print)

DCHR/EOM LETTERHEAD

(Date)

Name of Employee
Home Address

Dear _____:

The purpose of this letter is to inform you that there is reasonable cause to believe that you may not be in compliance with the (residency requirement) **OR** (domicile requirement). Upon appointment to the position of (Title), (Series), (Grade) in the (Agency) on (Date), you agreed in writing to comply with the requirement under which you are required to maintain (bona-fide District residency) **OR** (District of Columbia domicile) for the duration of your appointment. Also, you acknowledged that you understood that failure to maintain (bona-fide District residency) **OR** (District of Columbia domicile) would result in forfeiture of your position by operation of (for the SEAS: D.C. Official Code § 1-608.59(b)/for the Excepted Service: D.C. Official Code § 1-609.06(a)/for the Executive Service: D.C. Official Code § 1-610.59(a)), and your separation from District government service.

The information we have received is as follows: [List the information referred to here: _____
_____
_____.]

Based on this information, and in accordance with section 307 of Chapter 3, "Residency," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR), you must prove that you are in compliance with the requirement. Consequently, you are directed to show cause why you should not forfeit your employment with the District government.

You are required to attend a pre-hearing conference on (Date) at (Time). The pre-hearing conference will be held at (Location). Please contact (Name of DCHR Representative), D.C. Department of Human Resources, at (202) ___-____, concerning the scheduled pre-hearing conference.

The pre-hearing conference will consist of a discussion regarding the procedures and issues in this matter. If necessary, an evidentiary hearing will be held to determine if you are in fact a (bona-fide District resident) **OR** (District of Columbia domiciliary). At the evidentiary hearing, if one is held, you will have the opportunity to rebut the facts and information stated above and submit evidence to demonstrate your compliance with the requirement. You may be represented at the pre-hearing conference and evidentiary hearing by legal counsel if you so choose.

Sincerely,

DCHR Director **OR** Mayor (or Designee) in the Case of an Executive Service employee
Title

cc: Agency HR Advisor

Exhibit 10: SAMPLE SHOW CAUSE LETTER – RESIDENCY PREFERENCE: INITIAL APPOINTMENT OR COMPETITIVE PROMOTION IN THE CAREER SERVICE, LEGAL SERVICE (EXCLUDING THE SENIOR EXECUTIVE ATTORNEY SERVICE), AND MANAGEMENT SUPERVISORY SERVICE

[SAMPLE SHOW CAUSE LETTER: RESIDENCY PREFERENCE – INITIAL APPOINTMENT OR COMPETITIVE PROMOTION IN THE CAREER SERVICE, LEGAL SERVICE (EXCLUDING THE SENIOR EXECUTIVE ATTORNEY SERVICE), AND MANAGEMENT SUPERVISORY SERVICE] (Do Not Print)

DCHR LETTERHEAD

(Date)

Name of Employee
Home Address

Dear _____:

The purpose of this letter is to inform you that there is reasonable cause to believe that you may not be in compliance with the residency preference requirement. You were afforded the preference upon competitive selection to the position of (Position Title), (Series), (Grade) in the (Agency) on (Date). You agreed in writing to maintain bona-fide District residency for a period of (five (5)) **OR** (seven (7)) consecutive years from (Date), the effective date of the appointment, until (Date). Also, you acknowledged that you understood that failure to maintain bona-fide District residency for the (five-year (5-year)) **OR** (seven-year (7-year)) period would result in forfeiture of your position by operation of (for the Career Service: D.C. Official Code § 1-608.01(e)(2)/for the Legal Service: D.C. Official Code § 1-609.59(a)/for the MSS: D.C. Official Code § 1-609.57), and your separation from District government service.

The information that we have received is as follows: [List the information referred to here: _____
_____
_____.]

Based on this information, and in accordance with section 307 of Chapter 3, "Residency," of Subtitle B of Title 6, "Government Personnel," of the District of Columbia Municipal Regulations (DCMR), you must prove that you are in compliance with the requirement. Consequently, you are directed to show cause why you should not forfeit your employment with the District government.

You are required to attend a pre-hearing conference on (Date) at (Time). The pre-hearing conference will be held at (Location). Please contact (Name of DCHR Representative), D.C. Department of Human Resources, at (202) ___-____, concerning the scheduled pre-hearing conference.

The pre-hearing conference will consist of a discussion regarding the procedures and issues in this matter. If necessary, an evidentiary hearing will be held to determine if you are in fact a bona fide District resident. At the evidentiary hearing, if one is held, you will have the opportunity to rebut the facts and information stated above and submit evidence to demonstrate your compliance with the requirement. You may be represented at the pre-hearing conference and evidentiary hearing by legal counsel if you so choose.

Sincerely,

DCHR Director (or Designee)
Title

cc: Agency HR Advisor

Exhibit 11: NOTICE – REQUIREMENT TO ESTABLISH BONA-FIDE DISTRICT RESIDENCY (SENIOR EXECUTIVE ATTORNEY SERVICE)

[SAMPLE NOTICE: REQUIREMENT TO ESTABLISH BONA-FIDE DISTRICT RESIDENCY – SENIOR EXECUTIVE ATTORNEY SERVICE] (Do Not Print)

DCHR LETTERHEAD

(Date)

Name of Employee
Home Address

Dear _____:

This is a notice of at least thirty (30) days to remind you that you are subject to the bona-fide District residency requirement pursuant to D.C. Official Code § 1-608.59(b). Under this requirement, which is applicable to individuals appointed to the Senior Executive Attorney Service (SEAS) within the Legal Service, you are required to become a bona-fide District resident within one hundred eighty (180) days from the date of your appointment to the SEAS position and maintain bona-fide District residency for the duration of the appointment.

Your official personnel records indicate that you were appointed to the SEAS position subject to the requirement on (Date), and that you are required to establish bona-fide District residency by (Date) and provide the D.C. Department of Human Resources (DCHR) with proof that you have established such residency by that date. Accordingly, you must provide the required proofs of bona-fide District residency not later than 5:00 p.m. on (Date). For your convenience, enclosed is a copy of the list of the required documents. You must submit the required proofs to (Name of DCHR Representative), (Position Title), DCHR. Ms./Mr. (Name) is located at (Address).

Please be advised that failure to submit the required documentation by 5:00 p.m. on (Date) will result in forfeiture of your position with the District government, by operation of D.C. Official Code § 1-608.59(b), and your separation from District government service effective after 5:00 p.m. on (Date).

If you have any questions concerning this notice, please contact Ms./Mr. (Name of DCHR Representative) at (Telephone Number).

Sincerely,

DCHR Director (or Designee)
Title

Enclosure

cc: Agency HR Advisor

Exhibit 12: NOTICE – REQUIREMENT TO ESTABLISH DISTRICT OF COLUMBIA DOMICILE (EXCEPTED AND EXECUTIVE SERVICES)

[SAMPLE NOTICE: REQUIREMENT TO ESTABLISH DISTRICT OF COLUMBIA DOMICILE – EXCEPTED AND EXECUTIVE SERVICES] (Do Not Print)

DCHR/EOM LETTERHEAD

(Date)

Name of Employee
Home Address

Dear _____:

This is a notice of at least thirty (30) days to remind you that you are subject to the domicile requirement pursuant to D.C. Official Code § 1-609.06(a). Under this requirement, which is applicable to individuals appointed to the (Excepted Service) **OR** (Executive Service), you are required to become a District domiciliary within one hundred eighty (180) days from the date of your appointment to the (Excepted Service) **OR** (Executive Service) position and maintain District of Columbia domicile for the duration of the appointment.

Your official personnel records indicate that you were appointed to the (Excepted Service) OR (Executive Service) position subject to the requirement on (Date), and that you are required to establish District of Columbia domicile by (Date) and provide the D.C. Department of Human Resources (DCHR) with proof that you have established such domicile by that date. Accordingly, you must provide the required proofs of District of Columbia domicile not later than 5:00 p.m. on (Date). For your convenience, enclosed is a copy of the list of the required documents. You must submit the required proofs to (Name of DCHR Representative), (Position Title), DCHR. Ms./Mr. (Name of DCHR Representative) is located at (Address).

Please be advised that failure to submit the required documentation by 5:00 p.m. on (Date) will result in forfeiture of your position with the District government, by operation of (for the Excepted Service: D.C. Official Code § 1-609.06(a)/for the Executive Service: D.C. Official Code § 1-610.59), and your separation from District government service effective after 5:00 p.m. on (Date).

If you have any questions concerning this notice, please contact Ms./Mr. (Name of DCHR Representative) at (Telephone Number).

Sincerely,

DCHR Director (or Designee) **OR** Mayor (or Designee) in the Case of an Executive Service Employee
Title

Enclosure

cc: Agency HR Advisor