

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

District Personnel Manual Issuance System

This E-DPM instruction may be accessed electronically at www.dchr.dc.gov, by clicking on the "District Personnel Manual" link; and the "Issuances" link for Charter(s): **38**

E-DPM Instruction No. 38-28

SUBJECT: Management Supervisory Service (MSS) - Guidance Concerning Actions Resulting from MSS Employees No Longer Serving as Managers/Supervisors; or Due to the Abolishment of the MSS Position

Date: November 20, 2012

NOTE: This Electronic-District Personnel Manual (E-DPM) Instruction supersedes E-DPM Instruction No. 38-2, Management Supervisory Service (MSS) Employees No Longer Serving as Managers/Supervisors, dated August 26, 2002, for the purpose of updating provisions contained in the issuance.

1. PURPOSE

The purpose of this instruction is to provide guidance to agencies under the personnel authority of the Mayor regarding the appropriate action(s) to take when Management Supervisory Service (MSS) employees cease to have managerial/supervisory responsibilities; or the MSS position is abolished.

2. AUTHORITY

- D.C. Official Code §§ 1-609.51 *et seq.* and 1-614.11(5); and
- Chapter 38 of the D.C. personnel regulations, Management Supervisory Service

3. PROVISIONS

- a. The mission, goals and objectives of an agency may change as a result of attrition, reductions in force, reorganization, or approved realignments. Consequently, employees occupying positions in the MSS may cease to have subordinate staff and/or managerial/supervisory responsibilities. Any agency with MSS employees who are no longer performing managerial/supervisory functions or duties due to any of the aforementioned reasons, may take one of the following actions:

Note: DPM Instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employees under their respective jurisdictions. [See DPM Chapter 2, Part II, Subpart 1, § 1.3].

Inquiries: Benefits, Retirement and Staffing Services, DCHR (202) 442-9700

Distribution: Heads of Departments and Agencies, and HR Advisors

Instruction Expires: Retain Until Superseded

- (1) Reassign or realign subordinate staff positions to reestablish the managerial/supervisory responsibilities for the particular MSS position; or
 - (2) Abolish the MSS position.
- b. If a determination is made to abolish the MSS position, the agency may take one of the following actions regarding the status of the affected MSS employee:
- (1) Separate the employee from District government service in accordance with section 3813 of Chapter 38 of the D.C. personnel regulations;
 - (2) Convert the employee non-competitively to a comparable vacant MSS position within the agency and for which he or she is qualified; provided that the position has no greater promotion potential than the position previously held; or
 - (3) At the discretion of the personnel authority, and upon termination from the MSS, an employee may retreat to a vacant position within the agency for which he or she is qualified, in accordance with D.C. Official Code § 1-609.54.
- c. Prior to abolishing an MSS position, each agency shall request and obtain authorization from the appropriate personnel authority, in accordance with Chapter 24 of the regulations, Reductions in Force;
- d. A retreat as described in paragraph 3(b)(3) above may be offered within 3 months of the effective date of the termination from the MSS.
- e. An MSS employee separated from District government service for non-disciplinary reasons may be entitled to severance pay in accordance with D.C. Official Code § 1-609.54(b).
- f. Subsection 3802.8 of Chapter 38 of the D.C. personnel regulations provides that the rates of pay on the MSS pay schedules shall not be used to set pay upon subsequent appointment to a position in the Career Service.

4. RESPONSIBILITIES

- a. Agencies
- (1) As appropriate, each subordinate agency may seek guidance from the Director, D.C. Department of Human Resources (DCHR) before effecting any of the personnel actions described herein.
 - (2) Each subordinate agency must submit a formal request to the Director, DCHR, to effect any of the personnel actions described herein.

- (3) If a determination is made to separate the employee from District government service due to the abolishment of the MSS position, the agency shall provide the employee with a 15-day advance notice prior to termination
 - (4) Any conversion action pursuant to paragraph 3(b)(2) or offer of retreat as described in paragraph 3(b)(3) above must be made by the agency, in writing.
- b. D. C. Department of Human Resources
- (1) The DCHR is responsible for providing guidance to agencies regarding any of the personnel actions described herein, and for processing such actions.
 - (2) In the event of termination from District government service, each personnel authority is responsible for determining any entitlement to severance pay, computing the amount of the severance payment (including completion of the severance pay worksheet) and processing the personnel action.

5. EFFECTIVE DATE

This instruction is effective immediately.



Shawn Y. Stokes
Director

Attachments:

- Attachment No. 1: Template – Memorandum Requesting Approval to Terminate MSS Employee
- Attachment No. 2: Template – Letter Notifying MSS Employee of Termination
- Attachment No. 3: Temporary Continuation of Coverage Notification for Terminating Employees (DCEHB)
- Attachment No. 4: Temporary Continuation of Coverage Notification for Terminating Employees (FEHB)

EMPLOYING AGENCY LETTERHEAD**MEMORANDUM****TO:**

 Director
 D.C. Department of Human Resources

FROM: Agency Head

DATE:

SUBJECT: Request for Authorization to Terminate Management Supervisory Service
 Employee(s)

Pursuant to section 3813 of Chapter 38 of the D.C. personnel regulations, Management Supervisory Service, this memorandum is to request your authorization to terminate the Management Supervisory Service appointment of the below listed agency employee(s):

Name	Position Title, Series, and Grade	Annual Salary

I am taking this action as part of my overall assessment of the management of the department.
 [OR any other reason for the termination action.]

Upon your approval of the termination(s), the employee(s) will be served the attached letter(s)
 [and placed on administrative leave with pay until the effective day of the termination(s).]

Nature of the Proposed Termination Action(s):

- The proposed termination action(s) is/are **not** for disciplinary reasons
- The proposed termination action(s) is/are for disciplinary reasons. Specifically: [Add explanation/justification, and include supporting documentation as needed.]

If you have any questions concerning this memorandum, please contact me at

_____.

Memorandum to [Director, DCHR]
Request for Authorization to Terminate MSS Employee
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DCHR Approval of Proposed MSS Termination(s):	
The above agency request is:	
<input type="checkbox"/> Approved	<input type="checkbox"/> Disapproved
_____	_____
[Director, DCHR] (or Designee)	Date
Comments on Agency's Request (if Any):	

EMPLOYING AGENCY LETTERHEAD

(Date)

Dear Mr./Ms. _____ :

In accordance with section 3813 of Chapter 38 of the D.C. personnel regulations, Management Supervisory Service, this constitutes a notice of at least 15 days of the termination of your Management Supervisory Service appointment as (Position Title, Pay Plan, Series, and Grade) with the (Employing Agency). Your termination from District government service will be effective close of business on (Day of the Week, Month, Day, and Year). As you know, appointments to the Management Supervisory Service are at-will; therefore this termination action is neither grievable nor appealable.

Effective today you will be placed on administrative leave during this notice period. While on administrative leave you will continue to be paid at your current rate of pay and will accrue both annual and sick leave.

You are eligible to receive payment for any unused annual leave. Terminal annual leave is disbursed as a separate lump-sum payment with the standard deductions for applicable taxes and withholdings. You may be eligible to receive severance pay in accordance with D.C. Official Code § 1-609.54(b). Severance pay is payable at the same pay period intervals as if the individual were still employed; and the payments are subject to deduction only of federal and District of Columbia or state income taxes and, if applicable, FICA tax (social security).

You are to immediately return all building keys, office keys, security badge(s), pass cards(s), cell phone(s), laptop computer(s) and any government property issued to you as a District government employee. This includes all District government paper-based or computer-based documents contained on computer disks, hard drives, storage drives, and on any other type of electronic media containing such documents in your possession.

Please contact Lumisha R. Jerry, Lead Human Resources Specialist, D.C. Department of Human Resources, at (202) 442-9705, to schedule an exit interview appointment to obtain information regarding severance pay and other benefits, etc. For your reference and appropriate action, enclosed is a *Notification* with general information on Temporary Continuation of Coverage ("TCC") (health benefits), etc.

Letter to [Employee's Name]
Notice of Termination – MSS
Page 2

I would like to take this opportunity to thank you for your service to the residents of the District of Columbia and the (Employing Agency).

Sincerely,

Director

Enclosure

ACKNOWLEDGMENT OF RECEIPT

I, _____, acknowledge receipt of this letter:
Name – Print

Employee's Signature

Date/Time

Agency Representative's Signature

Date/Time

Witnessed By:

Signature

Date/Time

TEMPORARY CONTINUATION OF COVERAGE NOTIFICATION FOR SEPARATING EMPLOYEES

*Your coverage in the **District of Columbia Employee's Health Benefits (DCEHB) Program** ends on the last day of the pay period in which you separate from District service, followed by a 31-day temporary extension of coverage (at no cost to you) for conversion to a non-group contract.*

You also have the right to temporarily continue your DCEHB coverage for up to 18 months after your separation instead of converting to a non-group contract at this time. You may select any plan in the DCEHB Program in which to continue your coverage; however, you must pay the full amount of the premium, both the employee and government shares, plus a 2 percent administrative charge. If you choose to continue your coverage, during the first 31-day period, you have the free coverage described above. Your enrollment charges begin on the day after the 31-day period of free coverage ends. If you continue the coverage to the end of the 18-month period, you will have another 31-day temporary extension of free conversion to a non-group contract.

If you are interested in continuing your DCEHB coverage, you may get additional information and a registration form on our website at www.dchr.dc.gov, by clicking the "*Employee Benefits*" link under the "Employees" tab. You may also contact the D.C. Department of Human Resources' Benefits, Retirement and Staffing Services Administration at (202) 442-7627, or you may pick up *Temporary Continuation of Coverage* materials in person at the following address between 9:00 a.m. and 5:00 p.m., Monday through Friday:

**D.C. Department of Human Resources
Benefits, Retirement and Staffing Services Administration
441 4th Street, N. W. Room 340S
Washington, D.C. 20001**

Please Acknowledge: ACCEPT _____ DECLINE _____

Employee Signature: _____ Date: _____

Print Name: _____

RECEIVED BY: _____ DATE: _____

**TEMPORARY CONTINUATION OF COVERAGE NOTIFICATION FOR
SEPARATING EMPLOYEES**

Your coverage in the Federal Employee's Health Benefits (FEHB) Program ends on the last day of the pay period in which you separate from District service, followed by a 31-day temporary extension of coverage (at no cost to you) for conversion to a non-group contract.

You also have the right to temporarily continue your FEHB coverage for up to 18 months after your separation instead of converting to a non-group contract at this time. You may select any plan in the FEHB Program in which to continue your coverage; however, you must pay the full amount of the premium, both the employee and government shares, plus a 2 percent administrative charge. If you choose to continue your coverage, during the first 31-day period, you have the free coverage described above. Your enrollment charges begin on the day after the 31-day period of free coverage ends. If you continue the coverage to the end of the 18-month period, you will have another 31-day temporary extension of free conversion to a non-group contract.

If you are interested in continuing your FEHB coverage, you may get additional information by visiting the Office of Personnel Management's website at:

www.opm.gov/insure/health/reference/handbook/fehb00.asp.

You may also contact the D.C. Department of Human Resources' Benefits, Retirement and Staffing Services Administration at (202) 442-7627; or you may pick up *Temporary Continuation of Coverage* materials in person at the following address between 9:00 a.m. and 5:00 p.m., Monday through Friday:

**D.C. Department of Human Resources
Benefits, Retirement and Staffing Services Administration
441 4th Street, N. W. Room 340S
Washington, D.C. 20001**

Please Acknowledge: ACCEPT _____ DECLINE _____

Employee Signature: _____ Date: _____

Print Name: _____

RECEIVED BY: _____ DATE: _____