

PART I
D.C. PERSONNEL REGULATIONS
CHAPTER 1
HUMAN RESOURCES MANAGEMENT
CONTENTS

Section	Page
100	BACKGROUND ON THE PERSONNEL MANAGEMENT SYSTEM 1
101-103	RESERVED 1
104	VARIANCES..... 1
105-106	RESERVED..... 2
107	APPOINTMENT AFFADAVIT..... 3
108	AMENDMENT TO PROVISIONS CONTAINED IN CHAPTER 4, ORGANIZATION FOR PERSONNEL MANAGEMENT 4
199	DEFINITIONS..... 5
199	ADDENDUM – <i>D.C. REGISTER</i> UPDATES FOR CHAPTER 1 OF THE D.C. PERSONNEL REGULATIONS, HUMAN RESOURCES MANAGEMENT..... 5

D.C. PERSONNEL REGULATIONS**100 BACKGROUND ON THE PERSONNEL MANAGEMENT SYSTEM**

- 100.1 The personnel system for the District of Columbia government was established by the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (the “CMPA”), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §§ 1-604.01 *et seq.*). A major requirement of the CMPA was the separation of the District’s personnel system from the federal personnel system by January 1, 1980, except for the continued participation by District government employees in the federal Civil Service Retirement System (CSRS) and the federal health and life insurance programs for employees hired prior to October 1, 1987.
- 100.2 The CMPA is divided into “titles,” and establishes the personnel management program that is applicable to individuals employed by the District government. Some of the provisions contained in the CMPA are self-implementing, others require implementing rules and regulations.
- 100.3 The Mayor has “personnel authority” over District government subordinate agencies under his or her direct administrative control, and may delegate that personnel authority, in whole or in part, to the Director of the D.C. Department of Human Resources (formerly named the D.C. Office of Personnel).
- 100.4 Other District agencies have been established as “independent agencies” and have “independent personnel authority” separate and apart from the Mayor. As provided in their establishment act or otherwise prescribed by law, certain independent agencies are required to adhere to all or some portions of Title 6, Subtitle B, of the D.C. Municipal Regulations (DCMR).

101 – 103 [RESERVED]**104 VARIANCES**

- 104.1 The Director of the D.C. Department of Human Resources (Director of the DCHR) may grant a variance from the D.C. personnel regulations issued pursuant to Section 404 of the CMPA (D.C. Official Code § 1-604.04 (2012 Repl.)), if:
- (a) There is a practical difficulty or unnecessary hardship in complying with the regulations;
 - (b) The variance is within the spirit of the regulations;
 - (c) The efficiency of the District government will be protected and promoted by the grant of the variance; and

- (d) The integrity of the Career, Legal, Excepted, Management Supervisory, or Executive Service, as applicable, will be protected and promoted by the grant of the variance.

104.2 Whenever a variance is granted, the Director of the DCHR shall publish on its website an issuance showing the following:

- (a) The particular practical difficulty or unnecessary hardship involved;
- (b) The variance being permitted, the difference from the requirements of the regulations, and to whom it applies;
- (c) The specific circumstances that protect or promote the efficiency of the District government and the integrity of a particular service or services; and
- (d) The steps that will be taken to limit the application of the variance only to the duration of the conditions that gave rise to it.

104.3 Like variances shall be granted whenever like conditions exist.

105 – 106 [RESERVED]

107 APPOINTMENT AFFIDAVIT

107.1 Each personnel authority shall designate in writing a person or persons authorized to administer the oath of office to each employee of an agency.

107.2 As provided in Section 408 of the CMPA (D.C. Official Code § 1-604.08 (2012 Repl.)), each employee of an agency shall swear or affirm to the following oath of office (Oath): “I, (employee’s name), do solemnly swear (or affirm) that I will faithfully execute the laws of the United States of America and of the District of Columbia, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States, and will faithfully discharge the duties of the office on which I am about to enter.”

107.3 As part of the oath, each employee shall execute the following:

- (a) An affidavit stating: “I have not, nor has anyone acting on my behalf, given, transferred, promised, or paid any consideration for or in expectation or hope of receiving assistance in securing this appointment.”; and
- (b) An affidavit on the “Declaration of Appointee Form,” stating: “The answers in the Declaration of Appointee are true and correct and I have read and understand the information provided on the “Declaration of Appointee Form.”

- 107.4 The appointee, on the “Declaration of Appointee Form,” shall be required to provide information concerning the following:
- (a) Application for or receipt of an annuity under any District government civilian retirement system or other compensation based upon District government service; and
 - (b) Certification of notification of the prohibition to strike pursuant to Section 1705 of the CMPA (D.C. Official Code § 1-617.05 (2012 Repl.)).
- 107.5 The provision in Subsection 107.4(a) of this section shall not be applicable to elected officials and members of boards and commissions.
- 107.6 An individual initially appointed to the District government and any individual reappointed after a break in service of one (1) or more days shall take the Oath and execute the appointment affidavit as soon as administratively practicable, but not later than thirty (30) days after the effective date of his or her appointment.
- 107.7 An individual who refuses to swear or affirm to the Oath as provided in Subsections 107.3 or 107.6 of this section shall not be appointed or shall have his or her appointment terminated.
- 107.8 The appointment of an employee may become effective before the Oath is executed although the employee has no right to continued employment until the Oath is executed. The Oath, when executed, shall refer to the date of entrance on duty so as to entitle the employee to pay from that date.
- 107.9 The following shall apply when the Oath is administered on an individual or group basis:
- (a) The person administering the Oath shall read the Oath aloud to the appointee(s);
 - (b) The appointee(s) taking the Oath shall stand, raise his or her right hand, and repeat the Oath aloud, except as provided in Subsection 107.10 of this section and with regard to any physical disability the appointee(s) may have that may necessitate reasonable accommodation;
 - (c) The appointee(s), after taking the Oath and in the presence of the person administering the Oath, shall sign the appointment affidavit; and
 - (d) The person administering the Oath, upon signature by the appointee(s) of the appointment affidavit, shall sign the appointment affidavit.
- 107.10 When a group of appointees is taking the Oath, the person administering the Oath may ask the appointees to swear or affirm to the Oath by saying “yes” after the oath is read aloud to them.

- 107.11 The Oath should be administered, if practicable, before the flags of the United States and District of Columbia.
- 107.12 The appointment affidavit shall be filed as a permanent record in each employee's official personnel folder and a copy filed with the employing agency.
- 107.13 An individual who is retroactively restored to duty without a break in service shall not be required to again swear or affirm to the oath of office or execute a new appointment affidavit.

108 AMENDMENT TO PROVISIONS CONTAINED IN CHAPTER 4, ORGANIZATION FOR PERSONNEL MANAGEMENT

- 108.1 Chapter 4 of these regulations will be amended and the provisions on variances and appointment affidavits, currently contained in that chapter, will be repealed.
- 108.2 Upon adoption and publication in the *D.C. Register* of the amended provisions for Chapter 4 under a Notice of Final Rulemaking, the provisions of this chapter shall govern as the policies on variances and appointment affidavits.

199 DEFINITIONS

The following definitions apply to this chapter:

Appointment affidavit – a document signed by an employee of an agency in which he or she swears or affirms to faithfully execute the laws of the United States of America and of the District of Columbia.

Agency – a unit of the District of Columbia government, excluding the courts, required by law, by the Mayor of the District of Columbia, or by the Council of the District of Columbia to administer any law, rule, or regulation adopted under authority of law. The term “agency” shall also include any unit of the District of Columbia government created by the reorganization of one (1) or more units of an agency and any unit of the District of Columbia government created or organized by the Council of the District of Columbia as an agency.

Days – calendar days, unless otherwise indicated.

D.C. Municipal Regulations (DCMR) – a compilation of all rules and regulations for the District government which are subject to the D.C. Administrative Procedure Act.

Employee – an individual who performs a function for the District government and who receives compensation for the performance of such service.

Independent agency – a board, commission, or agency of the District of Columbia government that is not subject to the administrative control of the Mayor (D.C. Official Code § 1-604.01(13)).

Personnel authority – 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 § 1-603.01(17)).

Subordinate agency – an agency under the direct administrative control of the Mayor, including, but not limited to, agencies as provided in D.C. Official Code § 1-603.01(17) (2012 Repl.).

Variance – a temporary change in the D.C. personnel regulations issued pursuant to Section 404 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (CMPA), effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.04 (2012 Repl.)), when there are practical difficulties and unnecessary hardships in complying with the regulations.

D.C. Register Updates for Chapter 1 of the D.C. Personnel Regulations,
Human Resources Management

The following *D.C. Register* citations identify when a given section(s) of Chapter 1, Human Resources Management, of Title 6 of the District of Columbia Municipal Regulations, was amended. Following the publication in the *D.C. Register* of subsequent final rulemaking notices, this Addendum will be updated accordingly.

For the convenience of DPM subscribers, the Addendum identifies amendments on a section-by-section basis; identifies the page(s) in a DPM Transmittal impacted by the amendment(s); and provides brief comments on the amendment(s) accomplished.

<i>D.C. Register</i> Date	Section(s)	Change(s) Reflected on Page(s)	Comments
62 DCR 015849 (12/11/15)	Entire Chapter	DPM Transmittal No. 225	The rules establish provisions for a new Chapter 1, Human Resources Management, of Subtitle B of Title 6 of the DCMR. Chapter 1 contains certain provisions (variations and appointment affidavits) previously housed in Chapter 4, Organization for Personnel Management, as well as background provisions concerning the personnel management system.