

Variation on Retirement Award



District Personnel Bulletin No. 1-1 and 19-21

Effective Date	Expiration Date	Related DPM Chapters
April 7, 2016	April 30, 2016	1 and 19

Overview

The Mayor, on behalf of the District of Columbia government (the “District government”), recognizes the extensive career of M.M., a public servant who dedicated twenty-nine years of service to the District government and residents. M.M. retired from the Department of Human Services (“DHS”) in October of 2015 as a Supervisory Social Services Representative. At the time of retirement, M.M. was also an adjunct professor at the University of the District of Columbia (“UDC”), a position M.M. occupied until December of 2015. To recognize M.M.’s service, the District government would like to extend a retirement award to M.M. However, the District government’s current rules prevent granting M.M. a retirement award since M.M. was still technically employed with the District at the time of retirement. This technicality appears to be in contradiction with the spirit of the rules, hence the issuance of this variation. To that end, this bulletin provides the required notice and justification for varying from section 1904.7(a) of Title 6B of the District of Columbia Municipal Regulations (“DCMR”) by exempting M.M. from its application and authorizing a retirement award.

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M.M.

M.M.’s career with the District government began on August 4, 1986 as a Social Services Representative with DHS. During M.M.’s 29 years with DHS, M.M. also served in the U.S. Army and completed two tours of duty. M.M. was promoted twice and converted to the Management

Supervisory Service (“MSS”) in 2000. M.M. elected to retire early, effective October 30, 2015, as a Supervisory Social Services Representative.

DPM Section 1904.7(a)

Under the Comprehensive Merit Personnel Act, the Mayor is authorized to issue rules and regulations for the granting of cash and honorary awards to employees for a number of accomplishments, including length of service, to the District government. *See* D.C. Official Code § 1-619.01(a) (2015 Supp.).

The Mayor issued rules regarding Retirement Awards in subsection 1904.7 of Title 6B of the DCMR. In particular, 6B DCMR § 1904.7(a) states that: “The purpose of Retirement Awards is to recognize the length of District government service of the recipients of the award **as they end their careers with the District government via retirement**” (emphasis added). Accordingly, strict application of the rule dictates that M.M. not receive the retirement award because M.M. continued to serve the District government as an adjunct professor at UDC, even though M.M. retired from a 29-year career with DHS. Given the circumstances, such an inflexible interpretation would create inequitable results.

Basis for Variation

The Director of the D.C. Department of Human Resources may grant a variation from the strict application of a provision within the DCMR whenever a deviation is consistent with the spirit of the regulations and the protection of the integrity and efficiency of the District government. *See* 6B DCMR § 104.1.

In this case, the primary basis for a variation is that a strict application of subsection 1904.7(a) would result in an inequitable result and go against the spirit of the rule. The retirement award is to “recognize the length of District government service of the recipients of the award as they end their career with the District government via retirement.” The key word in this provision is “career.” M.M. did not retire from DHS to begin a new career as an adjunct professor nor does the rule contemplate that serving as an adjunct professor at UDC following retirement would preclude an individual from a retirement award. M.M. did brief stints as an adjunct professor in 2010, 2011, 2014, and 2015. Each term with UDC was on a temporary basis, including M.M.’s last term, which began on May 16, 2015, was set to end August 15, 2015, but was extended until December 31, 2015. Had M.M. knew that the extension would be a hindrance to receiving a retirement award, M.M. may have decided not to accept the extension and UDC would have lost a capable teacher.

Furthermore, as a policy matter, M.M.’s continued service to the District government after retirement in the form of teaching should be celebrated and promoted, not penalized. Such a strict reading of the rule would create an unequal and very unfortunate outcome: if the rule is read to deny M.M. a retirement award, then M.M. will not receive the award because M.M. chose to teach at UDC, a District government entity, whereas if M.M. chose to teach at another institution of higher learning, M.M. would be eligible for an award, and UDC would lose a highly qualified adjunct professor. This result is shortsighted because it discourages current and former District employees from applying their wealth of knowledge, experience, and expertise to assist District residents and students who attend UDC. Employees who retire or plan to retire may see this inequitable outcome and decide that it is better to teach somewhere other than UDC and still receive the retirement award. This outcome is a disservice to the District government and its citizens.

Therefore, a variation is justified under the circumstances because –

- Subsection 1904.7(a) of Title 6B in the DCMR is not applicable to M.M.’s case, since M.M.’s position as an adjunct professor is not part of the “career” that M.M. retired from;
- It will preserve the integrity of the MSS and other service groups by providing appropriate retirement awards to individuals who have served the District for a long period of time and who want to continue to serve the District as adjunct professors at UDC after they have retired;
- It is limited to the unique facts and circumstances described in this bulletin, though an amendment to section 1904 may be warranted for clarity; and
- It is within the spirit of the regulation, which is aimed at celebrating and showing appreciation to District employees who have faithfully served and dedicated their professional lives to the District and its residents.

Variance Granted

For the reasons outlined in this bulletin, the Director for the Department of Human Resources waives the application of 6B DCMR § 1904.7(a) for purposes of providing M.M. a retirement award for 29 years of service with the Department of Human Services in accordance with D.C. Official Code §§ 1-619.01 and 1-619.02 and applicable regulations.

Legal Authorities

- **D.C. Official Code § 1-619.01**, *Authority to grant awards*
- **D.C. Official Code § 1-619.02**, *Limitation upon awards*
- **6B DCMR § 1904**, *Incentive Awards*
- **6B DCMR § 104**, *Variations*



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