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3
4 Chairman Vincent C. Gray
5 at the request of the Mayor
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9 A BILL

10 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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12 Chairman Vincent C. Gray, at the request of the Mayor, introduced the following bill, which was
13 referred to the Committee on _____.
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15 To amend section 202 of the Paramedic and Emergency Medical Technician Lateral Transfer to
16 Firefighting Amendment Act of 2001 to eliminate the requirement that transfer be to the
17 firefighter step and class with a rate of pay closest to but not lower than the employee's
18 rate of pay prior to the transfer, to provide for the participation by specified transferred
19 employees in the Police Officers and Fire Fighters' Retirement Program, and to eliminate
20 the requirement that the transferred employee meet the requirements for entry level
21 firefighters; and to amend section 12(c) of An Act Making appropriations to provide for
22 the expenses of the Government of the District of Columbia for the fiscal year ending
23 June thirteenth, nineteen hundred and seventeen, and for other purposes to specify the
24 retirement benefits available to transferred employees.

25 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, that this
26 act may be cited as the "Paramedic and Emergency Medical Technician Transfer Amendment
27 Act of 2008".

28 Sec. 2. Section 202(a) of the Paramedic and Emergency Medical Technician Lateral
29 Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001 (D.C. Law 14-28;
30 D.C. Official Code § 5-409.01(a)), is amended to read as follows:

31 "(a) Notwithstanding any other law or regulation, the Mayor is authorized to provide for
32 the transfer of Fire and Emergency Medical Services Department personnel holding valid
33 certificates as paramedics or emergency medical technicians to be uniformed firefighters.

34 "(1) Repealed.

1 “(2) Employees transferred pursuant to the Paramedic and Emergency Medical
2 Technician Lateral Transfer to Firefighting Amendment Act of 2001, effective October 3, 2001
3 (D.C. Law 14-28; D.C. Official Code § 5-409.01), may elect to participate in the Police Officers
4 and Fire Fighters' Retirement Program established pursuant to the Police Officers, Fire Fighters,
5 and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998
6 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*).

7 “(2A)(A) Employees transferred pursuant to the Paramedic and Emergency
8 Medical Technician Transfer Emergency Amendment Act of 2008, the Paramedic and
9 Emergency Medical Technician Transfer Temporary Amendment Act of 2008, or the Paramedic
10 and Emergency Medical Technician Transfer Amendment Act of 2008, who are officers or
11 members of the District of Columbia Fire and Emergency Medical Services Department and who
12 are participants in the defined contribution plan under section 2605(3) of the District of
13 Columbia Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987
14 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), shall participate in the Police Officers and
15 Fire Fighters’ Retirement Program established pursuant to the Police Officers, Fire Fighters, and
16 Teachers Retirement Benefit Replacement Plan Act of 1998, effective September 18, 1998 (D.C.
17 Law 12-152; D.C. Official Code § 1-901.01 *et seq.*). Employees who are participants in the
18 defined benefit plan under the Civil Service Retirement System in chapter 83 of title 5 of the
19 United States Code and who are not eligible to retire under the Civil Service Retirement System
20 on or within 31 days of the effective date of the Paramedic and Emergency Medical Technician
21 Transfer Emergency Amendment Act of 2008 may make an irrevocable, one-time election to
22 participate in the Police Officers and Fire Fighters’ Retirement Program.

23 “(B) If an employee is a participant in the defined contribution plan under
24 section 2605(3) of the District of Columbia Government Comprehensive Merit Personnel Act of
25 1978, effective October 1, 1987 (D.C. Law 2-139; D.C. Official Code § 1-626.05(3)), all of the

1 employee's interest in contributions and earnings under the defined contribution plan shall be
2 transferred from the defined contribution plan to the District of Columbia Police Officers and
3 Fire Fighters' Retirement Fund in accordance with section 12(c)(i-1)(2) or (3) of An Act Making
4 appropriations to provide for the expenses of the Government of the District of Columbia for the
5 fiscal year ending June thirteenth, nineteen hundred and seventeen, and for other purposes,
6 approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-704(i-1)(2) or (3)). Upon
7 such transfer, the employee shall cease to be a participant in or have an account under the
8 defined contribution plan.

9 “(C) An employee who is a participant in the defined benefit plan under
10 the Civil Service Retirement System in chapter 83 of title 5 of the United States Code, who is not
11 eligible to retire under the Civil Service Retirement System on or within 31 days of the effective
12 date of the Paramedic and Emergency Medical Technician Transfer Emergency Amendment Act
13 of 2008, and who elects to participate in the Police Officers and Fire Fighters’ Retirement
14 Program. may elect to receive credit for prior service covered by the defined benefit plan in
15 accordance with section 12(c)(i-1)(4) of An Act Making appropriations to provide for the
16 expenses of the Government of the District of Columbia for the fiscal year ending June
17 thirteenth, nineteen hundred and seventeen, and for other purposes, approved September 1, 1916
18 (39 Stat. 718; D.C. Official Code § 5-704(i-1)(4)).

19 “(3) Repealed.

20 “(4) Transferred employees are required to meet citizenship requirements set forth
21 by law or regulation.

22 “(5) Maximum age limitations for appointment shall not apply to transferred
23 employees.”.

24 Sec. 3. Section 12(c) of An Act Making appropriations to provide for the expenses of the
25 Government of the District of Columbia for the fiscal year ending June thirteenth, nineteen

1 hundred and seventeen, and for other purposes, approved September 1, 1916 (39 Stat. 718; D.C.
2 Official Code § 5-704) is amended as follows:

3 (a) Subsection (i) is amended to read as follows:

4 “(i) Any member who is an officer or member of the District of Columbia Fire and
5 Emergency Medical Services Department who was transferred pursuant to the Paramedic and
6 Emergency Medical Technician Lateral Transfer to Firefighting Amendment Act of 2001,
7 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 5-409.01), and who elects to,
8 shall be covered by the Police Officers and Fire Fighters’ Retirement Program established under
9 the Police Officers, Fire Fighters, and Teachers Retirement Benefit Replacement Plan Act of
10 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-901.01 *et seq.*),
11 and shall receive credit for prior years of service within the District of Columbia Fire and
12 Emergency Medical Services Department. Members who elect coverage under this subsection
13 shall receive credit for prior service, make deposits to and receive benefits under the Program as
14 provided in subsection (i-1) of this section.”.

15 (b) New subsections (i-1) and (i-2) are added to read as follows:

16 “(i-1)(1) Any member who is an officer or member of the District of Columbia Fire and
17 Emergency Medical Services Department who was transferred pursuant to the Paramedic and
18 Emergency Medical Technician Transfer Emergency Amendment Act of 2008, the Paramedic
19 and Emergency Medical Technician Transfer Temporary Amendment Act of 2008, or the
20 Paramedic and Emergency Medical Technician Transfer Amendment Act of 2008 and who is a
21 participant in the defined contribution plan under section 2605(3) of the District of Columbia
22 Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law
23 2-139; D.C. Official Code § 1-626.05(3)), shall be covered by the Police Officers and Fire
24 Fighters’ Retirement Program (“Program”) commencing on the date of transfer. All such
25 members shall receive credit for prior years of service within the District of Columbia Fire and

1 Emergency Medical Services Department for the purpose of determining vesting and retirement
2 eligibility under the Program, but not for the purpose of calculating the amount of benefits to be
3 received under the Program, except as provided in paragraphs (2) and (3) of this subsection. Any
4 transferred member who is a participant in the defined benefit plan under the Civil Service
5 Retirement System in chapter 83 of title 5 of the United States Code who is not eligible to retire
6 under the Civil Service Retirement System on or within 31 days of the effective date of the
7 Paramedic and Emergency Medical Technician Transfer Emergency Amendment Act of 2008
8 and who elects to participate in the Program shall be covered by the Program commencing on the
9 date of election and shall receive credit for prior years of service as provided in paragraph (4) of
10 this subsection. Transferred members who are participants in the defined benefit plan under the
11 Civil Service Retirement System in chapter 83 of title 5 of the United States Code and who are
12 eligible to retire under the Civil Service Retirement System on or within 31 days of the effective
13 date of the Paramedic and Emergency Medical Technician Transfer Emergency Amendment Act
14 of 2008 or who elects not to participate in the Program and to remain in the defined benefit plan
15 under the Civil Service Retirement System in chapter 83 of title 5 of the United States Code,
16 shall not be covered by the Program and shall receive no credit under the Program for any
17 service.

18 “(2)(A) Members described in paragraph (1) of this subsection who are
19 participants in the defined contribution plan under section 2605(3) of the District of Columbia
20 Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law
21 2-139; D.C. Official Code § 1-626.05(3)), shall, unless they make the election described in
22 paragraph (3) of this subsection, have their entire interest in contributions and earnings under the
23 defined contribution plan transferred to the District of Columbia Police Officers and Fire
24 Fighters' Retirement Fund. These members shall cease to participate in the defined contribution
25 plan and receive instead an amount of benefits under the Program that is equal to the actuarial

1 equivalent of the dollar amount of contributions and earnings transferred, calculated on the
2 actuarial assumptions and methods used to calculate the present value of future benefits from
3 section 133(a)(3)(B) of the Police Officers, Fire Fighters, and Teachers Retirement Benefit
4 Replacement Plan Act of 1998, effective September 18, 1998 (D.C. Law 12-152; D.C. Official
5 Code § 1-907.03)(a)(3)(B)), for the applicable fiscal year. In no event shall the total of payments
6 of benefits to a member described in this paragraph be less than the dollar amount of the
7 contributions and earnings transferred.

8 “(B) If, upon the death of the member, the dollar amount of the
9 contributions and earnings transferred exceeds the benefits that have been paid to the member,
10 the excess shall be paid to the member's designated beneficiaries or estate. Upon separation from
11 District of Columbia employment for reasons other than retirement, any member who elected to
12 purchase a benefit under this paragraph may receive a refund of the dollar amount of
13 contributions and earnings transferred to make the purchase, without interest. Any member who
14 receives a refund of the transferred amount and is later reinstated shall not be entitled to prior
15 service credit until the amount of the refund plus interest is again deposited.

16 “(3)(A) Members described in paragraph (1) of this subsection who are
17 participants in the defined contribution plan under section 2605(3) of the District of Columbia
18 Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law
19 2-139; D.C. Official Code § 1-626.05(3)), shall, as an alternative to the partial transfer credit
20 described in paragraph (2) of this subsection, be given a one-time irrevocable election, which
21 must be made by the date of retirement, to purchase benefit accrual service for all of the time
22 they were employed by the District of Columbia Fire and Emergency Medical Services
23 Department. The member making the election shall deposit or cause to be deposited to the credit
24 of the District of Columbia Police Officers and Fire Fighters' Retirement Fund an amount that is
25 equal to the present value of future benefits that results from crediting the prior service. This

1 deposit may be made by transfer of the member's entire interest in contributions and earnings
2 under the defined contribution plan under section 2605(3) of the District of Columbia
3 Government Comprehensive Merit Personnel Act of 1978, effective October 1, 1987 (D.C. Law
4 2-139; D.C. Official Code § 1-626.05(3)). If the present value of future benefits exceeds the
5 amount transferred from the defined contribution plan, the excess amount shall be deposited by
6 direct transfer from another retirement plan in accordance with section 12(d) of An Act Making
7 appropriations to provide for the expenses of the Government of the District of Columbia for the
8 fiscal year ending June thirteenth, nineteen hundred and seventeen, and for other purposes,
9 approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-706), if permissible under
10 such other retirement plan, or by contributions of after-tax monies by the member that may be
11 made in equal monthly installments. The District of Columbia Police Officers and Fire Fighters'
12 Retirement Fund shall separately account for any deposits of after-tax monies. The present value
13 of future benefits shall be calculated on the actuarial assumptions and methods used to calculate
14 the present value of future benefits from section 133(a)(3)(B) of the Police Officers, Fire
15 Fighters, and Teachers Retirement Benefit Replacement Plan Act of 1998, effective September
16 18, 1998 (D.C. Law 12-152; D.C. Official Code § 1-907.03)(a)(3)(B)), for the applicable fiscal
17 year.

18 “(B) In no event shall the total of payments of benefits to the member
19 making an election under this paragraph be less than the dollar amount of the contributions and
20 earnings transferred from the defined contribution plan. If, upon the death of the member, the
21 dollar amount of the contributions and earnings transferred from the defined contribution plan
22 exceeds the benefits that have been paid to the member, the excess shall be paid to the member's
23 designated beneficiaries or estate. Upon separation from District of Columbia employment for
24 reasons other than retirement, any member who elected to purchase service under this paragraph
25 may receive a refund of the dollar amount used to make such purchase, without interest. Any

1 member who receives a refund of the purchased amount and is later reinstated shall not be
2 entitled to prior service credit until the amount of the refund plus interest is again deposited.

3 “(4) Members described in paragraph (1) of this subsection who are participants
4 in the defined benefit plan under the Civil Service Retirement System in chapter 83 of title 5 of
5 the United States Code on the date of transfer, and who are not eligible to retire under the Civil
6 Service Retirement System on or within 31 days after the effective date of the Paramedic and
7 Emergency Medical Technician Transfer Emergency Amendment Act of 2008, shall be given a
8 one-time irrevocable election, which must be made by the date of retirement, to receive credit for
9 service covered by the defined benefit plan as provided in subsection (e) of this section as
10 applied to members of the Fire Department.

11 “(i-2) For the purposes of this section, the term "prior service" means any prior service in
12 the District of Columbia Fire and Emergency Medical Services Department, regardless of
13 whether there is a break in service.”.

14 Sec. 4. Fiscal impact statement.

15 The Council adopts the fiscal impact statement in the committee report as the fiscal
16 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
17 approved December 24, 1973 (87 Stat. 813; D.C. Code § 1-233(c)(3)).

18 Sec. 5. Effective date.

19 This act shall take effect following approval by the Mayor (or in the event of a veto by
20 the Mayor, action by the Council to override the veto), a 30 day period of Congressional review
21 as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
22 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
23 Columbia Register.