

D.C. DEPARTMENT OF HUMAN RESOURCES**Policy and Compliance Administration**

February 27, 2019

Nyasha Smith, Secretary to the Council
Council of the District of Columbia
1350 Pennsylvania Ave., NW, Suite 5
Washington, DC 20004

Subject: **Creditable Service for Board and Commission Employees – 6B DCMR § 1233.1
Opinion Issuance No. 2019-05**

Secretary Smith:

The D.C. Department of Human Resources (DCHR) recently received your inquiry concerning the meaning of “creditable service” for purposes of annual leave. Specifically, you asked whether the Council should credit an employee’s service with the D.C. Public Charter School Board (PCSB). As discussed below, prior work performed by a District of Columbia employee with the PCSB does not qualify as “creditable service” for annual leave purposes pursuant to D.C. Official Code § 1-612.03.

According to 6B DCMR § 1233.1 (b), annual leave accrual rates are determined by employees’ time in service under District retirement benefits programs established pursuant to D.C. Official Code § 1-626.05. The Comprehensive Merit Personnel Act (CMPA) governs most personnel in the District government, inclusive of leave and retirement benefits.¹ However, only the residency preference provisions under the CMPA apply to “individuals serving as employees of boards and commissions[.]”² Consequently, employees of the PCSB are not entitled to retirement benefits programs established pursuant to D.C. Official Code § 1-626.05. Accordingly, work performed while an employee with the D.C. Public Charter School Board does not qualify as creditable service for purposes of D.C. Official Code § 1-612.03, as implemented through 6B DCMR § 1233.1.

While the PCSB is a District government agency, its employees are not covered by the retirement systems established in D.C. Official Code § 1-626.05. Therefore, a Council employee’s prior work with the PCSB does not qualify as “creditable service” pursuant to 6B DCMR § 1233.1.³

DCHR is working with stakeholders to propose amendments to the applicable regulations and will provide additional guidance on this topic soon.

¹ D.C. Official Code § 1-602.01 (a).

² D.C. Official Code § 1-602.02(3) (“The provisions of this act shall apply to the following employees of the District of Columbia government only to the following extent... Individuals serving as employees of boards and commissions shall be covered by the provisions of section 801 (e).”).

³ This opinion seeks to provide definitive guidance after what have been, according to your request, “many interpretations” of this question. To the extent that this guidance differs from prior interpretations, this response constitutes our final analysis subject to changes in the laws or regulations surrounding the definition of “creditable service.” To the extent that current employees have relied on another interpretation of these provisions, it may be appropriate to request a variance.

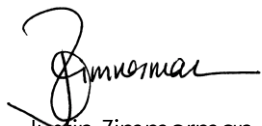
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Additional Information

For additional information, please see:

- [D.C. Official Code § 1-602.01](#), Coverage; exceptions
- [D.C. Official Code § 1-602.02](#), Limited application of chapter
- [D.C. Official Code § 1-612.03](#), Leave
- [6B DCMR § 1233](#), Annual Leave – Determining Creditable Service

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Zimmerman", with a horizontal line extending to the right.

Justin Zimmerman
Associate Director, Policy & Compliance