

AN ACT

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Columbia
Official Code*

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to provide for attorney fees for injured District government employees who are successful appellants, to provide incentives for the District of Columbia government to comply with compensation orders, and to provide career retention rights for injured employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “District Government Injured Employee Protection Act of 2006”.

Sec. 2. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code §1-623.01 et seq.), is amended as follows:

(a) Section 2319(b)(3) (D.C. Official Code § 1-623.19(b)(3)) is amended by striking the phrase “is raised” and inserting the phrase “is not raised” in its place.

Amend
§ 1-623.19

(b) Section 2324 (D.C. Official Code §1-623.24) is amended by adding a new subsection (g) to read as follows:

Amend
§ 1-623.24

“(g) If the Mayor or his or her designee fails to make payments of the award for compensation as required by subsection (a-3)(1), (a-4)(2), or (b)(3) of this section, the award shall be increased by an amount equal to one month of the compensation for each 30-day period that payment is not made; provided, that the increase shall not exceed 12 months' compensation. In addition, the claimant may file with the Superior Court of the District of Columbia a lien against the Disability Compensation Fund, the General Fund of the District of Columbia, or any other District fund or property to pay the compensation award. The Court shall fix the terms and manner of enforcement of the lien against the compensation award.”

(c) Section 2327 (D.C. Official Code §1-623.27) is amended to read as follows:

Amend
§ 1-623.27

“(a) A claimant may authorize an individual to represent him or her in a request for reconsideration of a decision under section 2324(a-4) or in a proceeding before an administrative law judge under section 2324(b).

“(b)(1) For the purposes of this subsection, the term “successful prosecution” means obtaining an award of compensation that exceeds the amount that was previously awarded, offered, or determined. The term “successful prosecution” includes a reinstatement or partial reinstatement of benefits which are reduced or terminated.

“(2) If a person utilizes the services of an attorney-at-law in the successful prosecution of his or her claim under section 2324(b) or before any court for review of any actions, award, order, or decisions, there shall be awarded, in addition to the award of compensation, in a compensation order, a reasonable attorney’s fee, not to exceed 20% of the actual benefit secured, which fee award shall be paid directly by the Mayor or his or her

designee to the attorney for the claimant in a lump sum within 30 days after the date of the compensation order.

“(c) A person who receives any fees, other consideration, or any gratuity on account of services rendered as a representative of the claimant in an administrative or judicial proceeding under this title, or who makes it a business to solicit employment for a lawyer, or for himself in respect of any claim or award for compensation, unless such consideration or any gratuity is approved as part of an order, shall be guilty of a misdemeanor and, upon conviction for each offense shall be punished by a fine of not more than \$1,000, or imprisonment for not more than one year, or both. This provision applies to all benefits secured through the efforts of the attorney, including settlements provided for under this title.

“(d)(1) In all cases, fees for attorneys representing the claimant shall be approved in the manner herein provided. If any proceedings are had before the administrative law judge or any court for review of any actions, award, order, or decision, the administrative law judge or court shall approve an attorney’s fee for the work done before him or it, as the case may be, by the attorney for the claimant.

“(2) An approved attorney’s fee, in cases in which the obligation to pay the fee is upon the claimant, may be made a lien upon the compensation order due under an award, and the administrative law judge or court shall fix in the award approving the fee such lien and manner of payment.”.

(d) Section 2345 (b)(1) (D. C. Official Code § 1-623.45 (b)(1)) is amended by striking the phrase “after the date of commencement of compensation” and inserting phrase “after the date of commencement of compensation and provision of all necessary medical treatment needed to lessen disability” in its place.

Amend
§ 1-623.45

Sec. 3. Inclusion in the budget and financial plan.

This act shall take effect subject to the inclusion of its fiscal effect in an approved budget and financial plan.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D. C. Official Code § 1-206.02).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

ENROLLED ORIGINAL

24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia