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February 24, 2015

The Hon. Phil Mendelson
Chairman
Council of the District of Columbia
The John A. Wilson Building
1350 Pennsylvania Avenue NW
Washington, DC 20004

Dear Chairman Mendelson:

I write to follow up on our discussion at the Council's administrative meeting on Tuesday, February 10, to provide additional context on the recent press report on bonus and separation pay received by departing members of the Gray Administration. Below is a summary of payroll actions taken when former Mayor Adrian Fenty left office in January 2011. I have also requested information covering former Mayor Anthony Williams' transition and will forward that when I receive it.

In January 2011, a total of 50 individuals in the Fenty Administration received a total of \$821,340.87 in separation pay. Another 4 individuals received \$85,225.23 between November 3 and the end of December 2010. The list of January 2011 payouts and additional November-December payments is enclosed.

In terms of the rules that govern such payments, the District's personnel law and regulations governing separation pay for Executive Service appointees (agency directors) has not changed since the end of the Williams Administration. D.C. Code § 1-610.58(a) states:

A subordinate agency head may be paid separation pay of up to 12 weeks of his or her basic pay upon separation from the government at the discretion of the Mayor; provided that, the agency head has been a District government employee for at least one year prior to the separation; otherwise the separation pay shall not exceed 4 weeks of the agency head's basic pay.

The law governing separation pay for Excepted Service appointees *has* changed in recent years. Provisions of the D.C. Code, in effect when Mayor Williams and Mayor Fenty left office, is as follows (D.C. Code § 1-609.03(f)):

An individual appointed to the Excepted Service pursuant to this section or § 1-609.08 shall be paid separation pay of up to 12 weeks of his or her basic pay upon separation for non-disciplinary reasons; provided that, the individual has been a District government employee for at least one year prior to the separation; otherwise the separation pay shall not exceed 4 weeks of the employee's basic pay.

There is a group of statutory officeholders who serve in positions akin to that of an agency director, but are deemed by the Code (§ 1-609.08) to be in the Excepted Service. These include the City Administrator, Director of Campaign Finance, D.C. Auditor, members of the Public Service Commission, and others.

In March 2012, an amendment to the law governing separation pay for Excepted Service appointees went into effect. As of that date, the following was in effect (D.C. § 1-609.03(f)):

An individual appointed to the Excepted Service pursuant to this section or § 1-609.08 may be paid severance pay upon separation for non-disciplinary reasons according to the length of the individual's employment with the District government as follows:

- If employed up to 6 months –a maximum of 2 weeks of the employee's basic pay
- 6 months to 1 year --4 weeks of the employee's basic pay
- 1 to 3 years--8 weeks of the employee's basic pay
- More than 3 years--10 weeks of the employee's basic pay

According to the regulations covering the issue of separation pay, there are additional rules concerning employees who accept another position. According to DCMR Title 6-B § 913.4, separation pay is not payable to an individual who either “has accepted an appointment to another position in the District government without a break in service” or “is eligible to receive an annuity under any retirement program for employees of the District government excluding the District retirement benefit program under Section 2605 of the CMPA.”

Regulations also cover the situation in which an employee receives a separation payment and then returns to D.C. government. According to DCMR Title 6-B §9i13.5:

An individual who receives separation pay pursuant to this section, but who is subsequently appointed to any position in the District government during the period of weeks represented by that payment, will be required to repay the amount of separation pay attributable to the period covered by such appointment. The pro-rated amount to be repaid will be based on the entire amount of the separation pay, including all required deductions, and is payable to the General Fund of the District of Columbia.

Please let me know if we can provide any additional information on this subject. Thank you.

Sincerely yours,



Kathleen Patterson
cc: Councilmembers

Encls.

**Excepted Services Severance Payouts
November-December 2010 and January 2011**

**District of Columbia Excepted Services Severance Pay
November - December 2010**

Agency	Sub-Agency	Last Name	First Name	Pay Period End	Check Dt	Gross Amount
Employment Services, Department of	CF	BETHEA	ALVIN	11/6/2010	11/5/2010	\$ 5,686.15
Department of Small and Local Business Development	EN	Hunter	Antonio D.	11/6/2010	11/5/2010	\$ 8,461.54
Department of Health	HC	Jackson	Dale S	11/6/2010	11/19/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	11/6/2010	11/19/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	11/20/2010	12/3/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	11/20/2010	12/3/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	12/4/2010	12/17/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	12/4/2010	12/17/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	12/18/2010	12/30/2010	\$ 952.00
Department of Health	HC	Jackson	Dale S	12/18/2010	12/30/2010	\$ 952.00
Public Schools, DC	GA	RHEE	MICHELLE A	12/4/2010	12/3/2010	\$ 63,461.54
TOTAL NOVEMBER & DECEMBER 2010 SEVERANCE PAY						\$ 85,225.23

**District of Columbia Excepted Services Severance Pay
January 1, 2011 to January 30, 2011**

Agency	Agency Code	Last Name	First Name	Pay Period End	Check Dt	Gross Amount Paid
Mayor, Executive Office of the	AA	Aiyer	Vikrum Dave	1/15/2011	1/25/2011	\$ 4,692.80
City Administrator, Office of the	AE	Albert	Neil O	1/29/2011	1/21/2011	\$ 43,269.23
Parks and Recreation, Department of	HA	Askew	Nicholas J	1/29/2011	1/21/2011	\$ 5,192.31
Administrative Hearings, Office of	FS	Beatty-Arthur	Sherri M.	1/1/2011	1/4/2011	\$ 10,657.69
Mayor, Executive Office of the	AA	BLISSETT	KAI A	1/29/2011	1/21/2011	\$ 23,076.92
City Administrator, Office of the	AE	Bushlin	Merav	1/29/2011	1/21/2011	\$ 18,076.92
Mayor, Executive Office of the	AA	Carr	Aaron	1/15/2011	1/25/2011	\$ 5,769.23
City Administrator, Office of the	AE	Carter	James M	1/15/2011	1/25/2011	\$ 18,076.92
Mayor, Executive Office of the	AA	Champagne	Krystle M	1/15/2011	1/25/2011	\$ 3,490.33
Mayor, Executive Office of the	AA	Dale-Pierce	Lorin R	1/29/2011	1/21/2011	\$ 4,615.38
Mayor, Executive Office of the	AA	Davis	Bridget R	1/29/2011	1/21/2011	\$ 20,711.54
Office of Community Affairs	RP	Davis	Christopher L	1/29/2011	1/21/2011	\$ 3,461.54
Office of Community Affairs	RP	de Oliveira	Pablo R	1/29/2011	1/21/2011	\$ 2,307.69
Mayor, Executive Office of the	AA	DiMattina	Andrew J	1/15/2011	1/25/2011	\$ 3,461.54
Public Safety & Justice Cluster, Office of the Deputy Mayor	FQ	Dyer	Christopher J	1/29/2011	1/21/2011	\$ 18,086.54
Mayor, Executive Office of the	AA	Elliott	Mark C.	1/15/2011	1/25/2011	\$ 1,129.04
Motion Picture and Television Development, Office of	TK	Etemad-Hollinger	Kathy	1/29/2011	1/21/2011	\$ 28,846.15
Mayor, Executive Office of the	AA	George	Deborah A	1/15/2011	1/25/2011	\$ 13,107.50
Office of Community Affairs	RP	Gough	Sean	1/29/2011	1/21/2011	\$ 16,346.15
Contracting and Procurement, Office of	PO	Gragan	David P	1/29/2011	1/21/2011	\$ 31,563.27
Mayor, Executive Office of the	AA	Hobson	Mafara Lynn	1/29/2011	1/21/2011	\$ 23,076.92
Office of Community Affairs	RP	Hom	Deborah M	1/15/2011	1/25/2011	\$ 2,115.39
Office of Community Affairs	RP	Hom	Deborah M	1/15/2011	1/25/2011	\$ 2,115.38
Department of Health Care Finance	HT	Hudman	Julie Anne	1/29/2011	1/21/2011	\$ 30,769.23
Department of Health	HC	Jackson	Dale S.	1/1/2011	1/14/2011	\$ 952.00
Department of Health	HC	Jackson	Dale S.	1/1/2011	1/14/2011	\$ 952.00
Department of Health	HC	Jackson	Dale S.	1/15/2011	1/28/2011	\$ 952.00
Department of Health	HC	Jackson	Dale S.	1/15/2011	1/28/2011	\$ 952.00
Department of Health	HC	Jackson	Dale S.	1/29/2011	2/11/2011	\$ 952.00
Department of Health	HC	Jackson	Dale S.	1/29/2011	2/11/2011	\$ 952.00
Office of Community Affairs	RP	Jarvis	Niambi A	1/29/2011	1/21/2011	\$ 16,076.92
Department of General Services	AM	JASPER	ROBIN-EVE	1/29/2011	1/21/2011	\$ 31,730.77
City Administrator, Office of the	AE	Kiesler	Laura M	1/15/2011	1/25/2011	\$ 18,076.92
Mayor, Executive Office of the	AA	Kohns	Carrie S	1/29/2011	1/21/2011	\$ 30,769.23
Mayor, Executive Office of the	AA	Lasner	Sara	1/29/2011	1/21/2011	\$ 24,038.46
Mayor, Executive Office of the	AA	Marshall	Ashley D.	1/29/2011	1/21/2011	\$ 5,384.62
City Administrator, Office of the	AE	May	Jessica	1/15/2011	1/25/2011	\$ 7,596.15
Mayor, Executive Office of the	AA	McKoy	Glenis E	1/29/2011	1/21/2011	\$ 14,489.42
Office of Community Affairs	RP	Murray	Anthony E	1/29/2011	1/21/2011	\$ 3,750.00
Arts and Humanities, Commission on the	BX	Nauden	Gloria A.	1/29/2011	1/21/2011	\$ 26,730.77
Mayor, Executive Office of the	AA	Nguyen	Jennifer T	1/15/2011	1/25/2011	\$ 6,923.08

Attorney General, Office of the	CB	Nickles	Peter John	1/29/2011	1/21/2011	\$ 33,653.85
Office of Community Affairs	RP	Odom	Herman D	1/29/2011	1/21/2011	\$ 16,400.77
Mayor, Executive Office of the	AA	Parker	Lindsey VanRensalier	1/29/2011	1/21/2011	\$ 11,538.46
Deputy Mayor for Education	GW	Reinoso	Victor Andres	1/29/2011	1/21/2011	\$ 35,168.27
Risk Management, Office of	RK	Richardson III	Andrew	1/29/2011	1/21/2011	\$ 28,432.31
Mayor, Executive Office of the	AA	Robinson	Chela I	1/15/2011	1/25/2011	\$ 1,634.62
Fire and Emergency Medical Services Department	FB	Rubin	Dennis L	1/29/2011	1/25/2011	\$ 36,019.62
Mayor, Executive Office of the	AA	Scrudato	Carlin T	1/29/2011	1/21/2011	\$ 2,115.38
Secretary, Office of the	BA	Shelton	Naomi N	1/29/2011	1/21/2011	\$ 19,230.77
Veteran Affairs, Office of	VA	Smith	Timothy James	1/29/2011	1/21/2011	\$ 19,807.69
Department of Small and Local Business Development	EN	Smith III	Lee A	1/29/2011	1/21/2011	\$ 28,846.15
Mayor, Executive Office of the	AA	Stanton	Katherine R	1/15/2011	1/25/2011	\$ 2,115.38
Office of Community Affairs	RP	Taylor	Christopher Robert	1/29/2011	1/21/2011	\$ 9,615.38
Employment Services, Department of	CF	Walsh Jr.	Joseph P.	1/29/2011	1/21/2011	\$ 30,769.23
Mayor, Executive Office of the	AA	Washington	Veronica O	1/29/2011	1/21/2011	\$ 20,699.04
TOTAL JANUARY 2011 SEVERANCE PAY						\$ 821,340.87