

## DISTRICT OF COLUMBIA RETIREMENT BOARD

NOTICE OF PROPOSED RULEMAKING

The District of Columbia Retirement Board (DCRB), pursuant to the authority set forth in § 121(e) of the District of Columbia Retirement Reform Act (Reform Act), approved November 17, 1979 (Pub. L. 96-122, 93 Stat. 866; D.C. Official Code § 1-711(e) (2014 Repl.)), and § 12(j)(c)(5) of the Policemen and Firemen's Retirement and Disability Act, approved September 1, 1916 (39 Stat. 718; D.C. Official Code § 5-714(c)(5) (2012 Repl.)), hereby gives notice of its intent to adopt the following proposed annual income review rule under Chapter 17 (District of Columbia Retirement Board Benefits Rules) of Title 7 (Employment Benefits) of the District of Columbia Municipal Regulations (DCMR), in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

DCRB was established by the Reform Act as an independent agency of the District of Columbia. DCRB is responsible for managing and controlling the Police Officers and Fire Fighters' Retirement Fund and the Teachers' Retirement Fund, as well as implementing and administering the retirement plans for certain members and officers of the Metropolitan Police Department and the Fire and Emergency Medical Services Department of the District of Columbia and the teachers in the public day schools of the District of Columbia (Retirement Program). Under the Retirement Program, DCRB is required to perform annual earned income reviews for annuitants who are receiving a disability retirement annuity. In the event an annuitant exceeds the income threshold for outside earnings, the disability annuity is terminated by DCRB.

This proposed rule clarifies when the annual earned income review ends, defines basic pay to include longevity pay and technical pay, and deletes a provision. Upon adoption, this rule will amend Section 1701 of Chapter 17, Title 7 DCMR, previously published in a final rulemaking at 60 DCR 1790 (February 15, 2013).

**Chapter 17, DISTRICT OF COLUMBIA RETIREMENT BOARD BENEFITS RULES, of Title 7 DCMR, EMPLOYMENT BENEFITS, is amended as follows:**

**Section 1701, ANNUAL INCOME REVIEW, Subsections 1701.1, 1701.2, 1701.3, 1701.6(d), and 1701.8(a), are amended to read as follows:**

1701.1 Annual Income Review for Teacher Disability Annuitants. Any teacher disability annuitant who retired under D.C. Official Code § 38-2021.04(a) and who is under the eligibility requirements for voluntary retirement as defined in D.C. Official Code § 38-2021.03 must file annually with DCRB by May 15<sup>th</sup> a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the last calendar year in which the annuitant is under the eligibility requirements for voluntary retirement as of December 31<sup>st</sup>.

- 1701.2 Annual Income Review for Police Officer and Firefighter Disability Annuitants Under Age 50. Any police officer or firefighter annuitant who was hired on or after February 15, 1980, retired under D.C. Official Code § 5-709 or § 5-710, and who is under age fifty (50), must file annually with DCRB by May 15<sup>th</sup> a notarized statement of employment and earnings and any additional information as requested by DCRB to verify employment income beginning for the first calendar year after retirement up to and including the last calendar year in which the annuitant is under age fifty (50) as of December 31<sup>st</sup>.
- 1701.3 Notarized Annual Earnings Statement. DCRB will notify annuitants at the beginning of each calendar year if they are required to file an annual income report, what they must file, when they must file, and the forfeiture of annuity payments for failure to file. Information required to be filed may include, but is not limited to, tax returns, Forms W-2 and 1099, proof of non-filing of a tax return or extension of time to file a tax return, Form 4506-T Request for Transcript of Tax Return, or Form 1040 Schedule C or C-EZ.
- ...
- 1701.6
- ...
- (d) [REPEALED].
- 1701.8 Current Rate of Pay for the Position Occupied Immediately Before Retirement.
- (a) A disability annuitant's earned income for a calendar year is compared to the gross annual rate of basic pay in effect on December 31<sup>st</sup> of that year for the position occupied immediately before retirement. The earned income for disability annuitants is based on the rate for the grade and step which reflects the total amount of basic pay (both the grade and step and any additional basic pay such as longevity and technical pay) in effect on the date of retirement.

Comments on this proposed rulemaking should be submitted in writing to Erie F. Sampson, General Counsel, District of Columbia Retirement Board, 900 7<sup>th</sup> Street, N.W., 2<sup>nd</sup> Floor, Washington, D.C. 20001, or by email to [erie.sampson@dc.gov](mailto:erie.sampson@dc.gov), within thirty (30) days of the publication of this notice in the *D.C. Register*. Additional copies of this proposed rulemaking are available on the Board's website: <http://www.dcrb.dc.gov>.