

THE MAYOR OF THE DISTRICT OF COLUMBIA

NOTICE OF FINAL RULEMAKING

The Mayor hereby gives notice of the adoption, pursuant to Part A of Title II of the District of Columbia Retirement Reform Act (Public Law 96-122), the following amendment to §123.1 and the following new provisions (§§123.3 and 123.4) added to §123 of the rules of practice and procedure for the Police and Fire-fighters Retirement and Relief Board, published under a notice of final rulemaking at 29 DCR 893 (February 26, 1982), as amended at 30 DCR 3898 (August 5, 1983) and at 32 DCR 1851 (April 5, 1985). Note that §123 was originally numbered §122 in the notice of February 26, 1982, but was redesignated as §123 by the notice of April 5, 1985, due to the insertion at that time of new §116. No comments were received and no changes have been made since these amendments were published under a notice of proposed rulemaking at 33 DCR 4830 (August 8, 1986). These amendments will become effective on the date of this publication in the D.C. Register. Final rulemaking action was taken on September 22, 1986.

DCMR 7, EMPLOYEE BENEFITS

Subsection 123.1 (renumbered as §2522.1 in the DCMR) is hereby amended to read as follows:

2522.1 The effective date for all actions regarding retirement and relief shall be determined by the Board pursuant to the provisions of P.L. 96-122 and the consideration of the evidence of record. When a decision is reached as to the disposition of a matter, the Board members present shall indicate their decision by signing the report of action.

Section 123 is hereby amended by adding new §§123.3 and 123.4 (§§2522.3 and 2522.4 in the DCMR) at the end thereof, to read as follows:

2522.3 The Board shall reinstate an annuitant's annuity, lost for exceeding the eighty percent (80%) income limitation, effective January 1 of the year following the calendar year in which the annuity was lost, if the annuitant has submitted to the Board a notarized statement containing such information which demonstrates that the annuitant's income from wages and/or self-employment is less than eighty percent (80%) of the current rate of compensation of the position last occupied at the time of retirement.

2522.4 If an annuitant refuses or fails to timely submit the necessary income information or supporting financial data pursuant to §2522.3, the annuity shall not be reestablished until such date as the Board has received all necessary information.