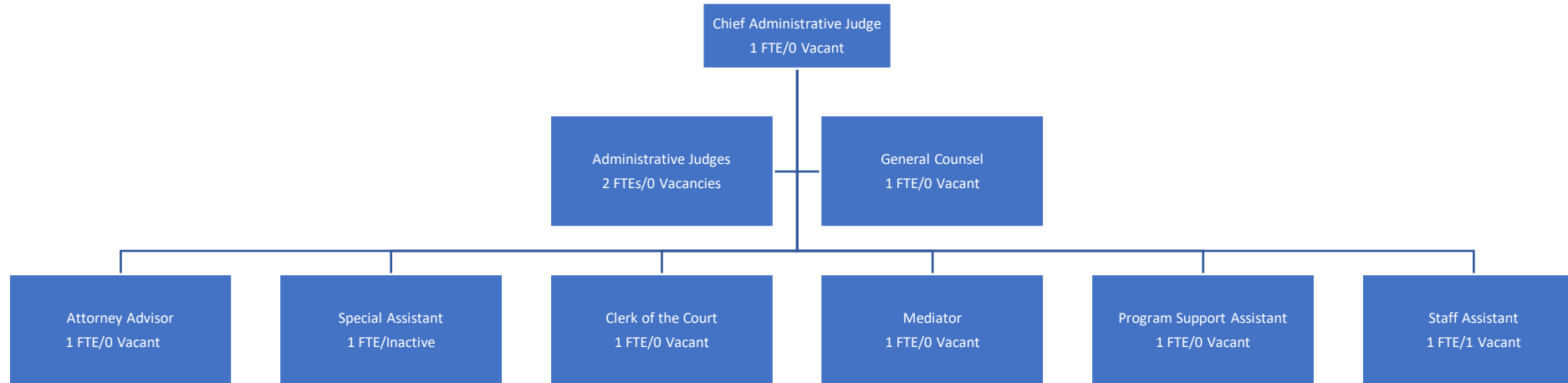


Rental Housing Commission Organization Chart

FTEs by Funding Source

- Local: 9
 - Federal: 0
 - Capital: 0
- SPR: 0
 - Other: 0



Schedule A

Funding Agency: DR

Rental Housing Commission

Run Date

2/24/21

As Of Date: 24-Feb-21 Run Time

15:36:13

Appropriation Year: 21

Posn Stat	Posn Nbr	Title	Name	Emplid
A	00099873	CHIEF ADMIN JUDGE	Spencer,Michael T.	00043903
A	00099874	Staff Assistant		
F	00099877	General Counsel	Mayer,Daniel J.	00071468
A	00099878	ADMIN JUDGE	Puttagunta,Rupa Ranga	00107041
A	00099880	ADMIN JUDGE	Gregory,Lisa M.	00037838
A	00099881	Program Support Assistant	Musawwir,Al-Alim	00115500
A	00099882	Attorney Advisor	Edwards,Xavier B.	00111935
A	00099946	Clerk of the Court	Miles,Latonya A	00017412
A	00100188	Mediator	Greer,Dorothy	00037321
Inactive	00102602	Special Assistant		

TOTAL POSITIONS PRINTED = 10

Run Time

Posn Nbr	Empl Rcd	Hire Date	Vac Stat	Grade	Step	Salary	FTE x Dist %	Adds to FTE Job	
00099873	0	2/2/09	F		18	0 170251.8	1 Y		8059
00099874			V		11	0 61521	1 Y		552185
00099877	0	3/10/14	F		13	8 126666	1 Y		555196
00099878	0	1/7/19	F		17	0 155492.9	1 Y		7557
00099880	0	1/22/08	F		17	0 155492.9	1 Y		7557
00099881	0	10/1/20	F		8	1 50207	1 Y		553058
00099882	0	11/12/19	F		12	6 100766	1 Y		553088
00099946	0	12/23/85	F		13	2 97899	1 Y		556618
00100188	0	11/19/07	F		13	10 122227	1 Y		556647
00102602			V		14	1 103657	1 Y		552030

Run Time

Posn Nbr	Pay	Barg	Union	Budgeted F	Appr Year	Combo Cd	Agency	Index	PCA
00099873	DS	CH11	XAA	Y	21	130179	DRO	91100	91111
00099874	DS	CH11	XAA	Y	21	130179	DRO	91100	91111
00099877	LX	CH11	XAA	Y	21	130179	DRO	91100	91111
00099878	DS	CH11	XAA	Y	21	130179	DRO	91100	91111
00099880	DS	CH11	XAA	Y	21	130179	DRO	91100	91111
00099881	DS	1_2	BIC	Y	21	130179	DRO	91100	91111
00099882	LA	CH11	XAA	Y	21	130179	DRO	91100	91111
00099946	DS	C1	BIB	Y	21	130179	DRO	91100	91111
00100188	DS	C1	BIB	Y	21	130179	DRO	91100	91111
00102602	DS	CH11	XAA	Y	21	130179	DRO	91100	91111

Run Time

Posn Nbr	Proj Nbr	Proj Phase	Grant Nbr	Grant Phas	Fund Code	Prgm Code	Activity	Deptid	Departmer
00099873					0100	9110	0100	DR100000	Rental Hou
00099874					0100	9110	0100	DR100000	Rental Hou
00099877					0100	9110	0100	DR100000	Rental Hou
00099878					0100	9110	0100	DR100000	Rental Hou
00099880					0100	9110	0100	DR100000	Rental Hou
00099881					0100	9110	0100	DR100000	Rental Hou
00099882					0100	9110	0100	DR100000	Rental Hou
00099946					0100	9110	0100	DR100000	Rental Hou
00100188					0100	9110	0100	DR100000	Rental Hou
00102602					0100	9110	0100	DR100000	Rental Hou

Run Time

Posn Nbr	Location C	Location N	Reports to	Reports to Name	Posn Effdt	Position N1	F/P Time	Reg/Temp,
00099873	LOCDC000	One Judici	00042979	Carney,Sharon D	10/13/19		F	Reg
00099874	LOCDC000	One Judici	00099873	Spencer,Michael T.	10/13/19		F	Reg
00099877	LOCDC000	One Judici	00099873	Spencer,Michael T.	2/16/20		F	Reg
00099878	LOCDC000	One Judici	00099873	Spencer,Michael T.	10/13/19		F	Reg
00099880	LOCDC000	One Judici	00099873	Spencer,Michael T.	10/13/19		F	Reg
00099881	LOCDC000	One Judici	00099873	Spencer,Michael T.	9/30/20		F	Term
00099882	LOCDC000	One Judici	00099873	Spencer,Michael T.	10/13/19		F	Reg
00099946	LOCDC000	One Judici	00099873	Spencer,Michael T.	11/3/19		F	Reg
00100188	LOCDC000	One Judici	00099873	Spencer,Michael T.	1/29/20		F	Reg
00102602	LOCDC000	One Judici	00099873	Spencer,Michael T.	10/28/20		F	Reg

Run Time

Posn Nbr	Work Sche	WAE	Sal Plan	Head Coun	FTE	Dist %	Employee NTE Dt	Wgi Due Date
00099873	F	N	DS0087	1	1	100		
00099874	F	N	DS0087	1	1	100		
00099877	F	N	LA0001	1	1	100		10/10/21
00099878	F	N	DS0087	1	1	100		
00099880	F	N	DS0087	1	1	100		
00099881	F	N	DS0079	1	1	100	10/31/21	10/24/21
00099882	F	N	LA0001	1	1	100		11/7/21
00099946	F	N	DS0077	1	1	100		11/7/21
00100188	F	N	DS0077	1	1	100		
00102602	F	N	DS0087	1	1	100		

Run Time

Posn Nbr	Gvt Lei Date	Hourly Rate	Sens	Sens Descr	Emergency	Esstia	Drug	Traffic	Credit
00099873	6/19/11	81.8518	5	None	N	N	N	N	N
00099874		29.58	6	Security	N	N	N	N	N
00099877	10/13/19	60.8971	6	Security	N	N	N	N	N
00099878	1/7/19	74.7562	5	None	N	N	N	N	N
00099880		74.7562	5	None	N	N	N	N	N
00099881	10/1/20	24.138	5	None	N	N	N	N	N
00099882	11/12/19	48.4452	6	Security	N	N	N	N	N
00099946	11/8/20	47.0668	5	None	N	N	N	N	N
00100188	11/25/18	58.763	5	None	N	N	N	N	N
00102602		49.84	7	Protection	N	N	N	N	N

Run Time

Posn Nbr	Resdncy	Security	Secrty Des	Budget
00099873	N			10/1/20
00099874	N			10/1/20
00099877	N			10/1/20
00099878	N			10/1/20
00099880	N			10/1/20
00099881	N			10/1/20
00099882	N			10/1/20
00099946	N			10/1/20
00100188	N			10/1/20
00102602	N			10/28/20

Rental Housing Commission
 FY2019 Expenditures
 Attachment 3

Agency Name DEPT. OF HOUSING AND COMM. DEVELOPMENT

				Values						
Appropriated Fund Title	GAAP Category Title	Program Title	Comp Source Group	Comp Source Group Title	FY 2019 Approved Budget	FY 2019 Revised Budget	FY 2019 Expenditures	Sum of Current Balances	Explanation of Variance	
LOCAL FUND	PERSONNEL SERVICES	RENTAL HOUSING COMMISSION	11	REGULAR PAY - CONT FULL TIME	427,298.40	451,791.11	450,782.34	1,008.77	Vacancy lapse	
			12	REGULAR PAY - OTHER	276,307.80	262,201.85	261,547.18	654.67	Vacancy lapse	
			13	ADDITIONAL GROSS PAY	175,633.37	3,022.30	24,754.13	(21,731.83)	Unbudgeted terminal leave payment	
			14	FRINGE BENEFITS - CURR PERSONNEL	151,978.94	151,978.94	142,309.22	9,669.72	Vacancy lapse	
				PERSONNEL SERVICES Total	1,031,218.51	868,994.20	879,392.87	(10,398.67)		
	NON-PERSONNEL SERVICES	RENTAL HOUSING COMMISSION	20	SUPPLIES AND MATERIALS	8,391.61	8,391.61	4,962.76	3,428.85	Spending below projections	
			40	OTHER SERVICES AND CHARGES	2,441.27	2,441.27	917.77	1,523.50	Spending below projections	
			41	CONTRACTUAL SERVICES - OTHER	11,967.00	11,967.00	-	11,967.00	Contractual services paid out of DHCD budget	
			70	EQUIPMENT & EQUIPMENT RENTAL	9,852.83	9,852.83	7,569.44	2,283.39	Spending below projections	
				NON-PERSONNEL SERVICES Total	32,652.71	32,652.71	13,449.97	19,202.74		
				LOCAL FUND Total	1,063,871.22	901,646.91	892,842.84	8,804.07		
				Grand Total	1,063,871.22	901,646.91	892,842.84	8,804.07		

Agy	Program Code 3	Agy Fund	GAAP Category	Comp Source Group	Comp Object	Original Budget	Revised Budget	Pre-Encumbrances	Encumbrances	Intra-District	Expenditures	Acc Expenditures	Balance	Explanation of Variance
DRO	9110	0100	PS	0011	0111	615,860.44	615,860.44				462,049.36	45,778.54	108,032.54	Employees misclassified as CFT
				0012	0125	391,103.35	352,103.35				455,352.60		(103,249.25)	Employees misclassified as CFT
				0014	Multiple	188,302.25	188,302.25				182,551.72	9,083.40	(3,332.87)	Higher than budgeted fringe rate
				0015	0133	-	-				264.43	-	(264.43)	Individual employee worked one OT PP
			PS Total			1,195,266.04	1,156,266.04	-	-	-	1,100,218.11	54,861.94	1,185.99	
			NPS	0020	0201	8,392.00	8,392.00			4,993.37	3,398.63		(0.00)	No variance
				0020 Total		8,392.00	8,392.00			4,993.37	3,398.63		(0.00)	
				0031	0308	4,369.00	4,369.00						4,369.00	Fixed costs not assessed
				0031 Total		4,369.00	4,369.00						4,369.00	
				0032	0309	51,000.00	51,000.00						51,000.00	Fixed costs not assessed
				0032 Total		51,000.00	51,000.00						51,000.00	
				0034	0440	5,052.00	5,052.00						5,052.00	Fixed costs not assessed
				0034 Total		5,052.00	5,052.00						5,052.00	
				0035	0310	3,218.00	3,218.00						3,218.00	Fixed costs not assessed
				0035 Total		3,218.00	3,218.00						3,218.00	
				0040	0402							2,482.55	(2,482.55)	Travel offset by other CSG balances
					0408	11,076.63	76.63			(5,000.00)	5,000.00	10,000.00	(9,923.37)	Intern cost not in original spend plan
					0410	8,700.00	6,573.00			(6,993.37)	(0.00)		13,566.37	Funds expended in other categories
					0416	1,900.00	1,900.00						1,900.00	Funds expended in other categories
					0419	19,500.00	10,000.00			7,000.00	3,000.00		0	No variance
					0424							1,686.00	(1,686.00)	Training paid as conference fees
					0441	6,500.00	6,500.00						6,500.00	IT maintenance covered by OCTO fee
					0494	13,641.33	13,641.33			0.00	12,896.32		745.01	Nominal variance
				0040 Total		61,317.96	38,690.96	-	-	(4,993.37)	20,896.32	14,168.55	8,619.46	
				0041	0409	59,800.00	59,800.00					59,800.00	-	DHCD covered contract cost in transition
				0041 Total		59,800.00	59,800.00					59,800.00	-	
				0070	0702	3,073.00	-						-	
					0706	6,780.00	6,780.00					4,893.93	1,886.07	Transition of billing from DHCD to RHC
				0070 Total		9,853.00	6,780.00					4,893.93	1,886.07	
			NPS Total			203,001.96	177,301.96	-	-	-	24,294.95	78,862.48	74,144.53	
Grand Total						1,398,268.00	1,333,568.00	-	-	-	1,124,513.06	133,724.42	75,330.52	

Rental Housing Commission
 FY2021 Expenditures
 Thru December 31st
 Attachment 3

Program Code 3	Agy Fund	GAAP Category	Comp Source Group	Comp Object	Original Budget	Revised Budget	Pre-Encumbrances	Encumbrances	Intra-District	Expenditures	Acc Expenditures	Balance	Explanation of Variance
9110	0100	PS	0011	0111	579,061.83	579,061.83				249,592.47	(15,160.44)	344,629.80	Only one quarter of activity
			0012	0125	466,825.55	466,825.55				11,006.93	1,655.09	454,163.53	Only one quarter of activity
			0014	Multiple	195,445.10	195,445.10				47,189.01	(3,642.60)	151,898.69	Only one quarter of activity
		PS Total			1,241,332.48	1,241,332.48	-	-	-	307,788.41	(17,147.95)	950,692.02	
		NPS	0020	0201	3,920.00	3,920.00			7,637.84	184.16		(3,902.00)	Duplicate P Card advance
			0020 Total		3,920.00	3,920.00			7,637.84	184.16		(3,902.00)	
			0031	0308	4,369.00	4,369.00						4,369.00	OCTO has not provided RHC assessment to date
			0031 Total		4,369.00	4,369.00						4,369.00	
			0040	0408	10,082.75	10,082.75	-	3,240.00	7,871.00			(1,028.25)	Offset by other CSG 40 balances
				0410	9,800.00	9,800.00			9,800.00			-	
				0416	1,900.00	1,900.00			1,000.00			900.00	Only one quarter of activity
				0419	19,500.00	8,500.00			2,000.00			6,500.00	Only one quarter of activity
				0441	6,500.00	6,500.00						6,500.00	Only one quarter of activity
				0494	20,335.00	20,335.00			15,172.27			5,162.73	Only one quarter of activity
			0040 Total		68,117.75	57,117.75	-	3,240.00	35,843.27			18,034.48	
			0070	0702	3,573.00	14,573.00						14,573.00	Planned IT refresh in progress
				0706	6,576.60	6,576.60		6,507.00				69.60	Not material
			0070 Total		10,149.60	21,149.60	-	6,507.00				14,642.60	
		NPS Total			86,556.35	86,556.35	-	9,747.00	43,481.11	184.16	-	33,144.08	
					1,327,888.83	1,327,888.83	-	9,747.00	43,481.11	307,972.57	(17,147.95)	983,836.10	

**COMPENSATION COLLECTIVE BARGAINING
AGREEMENT**

BETWEEN

THE DISTRICT OF COLUMBIA GOVERNMENT

AND

COMPENSATION UNITS 1 AND 2

EFFECTIVE APRIL 1, 2013 – SEPTEMBER 30, 2017

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PREAMBLE

This Compensation Agreement is entered into between the Government of the District of Columbia and the undersigned labor organizations representing units of employees comprising Compensation Units 1 and 2, as certified by the Public Employee Relations Board (PERB).

The Agreement was reached after negotiations during which the parties were able to negotiate on any and all negotiable compensation issues, and contains the full agreement of the parties as to all such compensation issues. The Agreement shall not be reconsidered during its life nor shall either party make any changes in compensation for the duration of the Agreement unless by mutual consent or as required by law.

**ARTICLE 1
WAGES**

SECTION A: FISCAL YEAR 2013:

Effective the first day of the first full pay period beginning on or after April 1, 2013, the FY 2013 salary schedules of employees employed in bargaining units as certified and assigned to Compensation Units 1 and 2 by the Public Employees Relations Board shall be adjusted by 3%.

SECTION B: FISCAL YEAR 2014:

The Parties agree that the District shall set aside the amount equivalent to 1.5% of the total salaries for Compensation Units 1 and 2, as of November 19, 2012, to be used to implement any compensation adjustment required by the Classification and Compensation and Reform Project.

SECTION C: FISCAL YEAR 2015:

Effective the first day of the first full pay period beginning on or after October 1, 2014, the FY 2015 salary schedules of employees employed in bargaining units as certified and assigned to Compensation Units 1 and 2 by the Public Employees Relations Board shall be adjusted by 3%.

SECTION D: FISCAL YEAR 2016:

Effective the first day of the first full pay period beginning on or after October 1, 2015, the FY 2016 salary schedules of employees employed in bargaining units as certified and assigned to Compensation Units 1 & 2 by the Public Employees Relations Board shall be adjusted by 3%.

SECTION E: FISCAL YEAR 2017:

Effective the first day of the first full pay period beginning on or after October 1, 2016, the FY 2017 salary schedules of employees employed in bargaining units as certified and assigned to Compensation Units 1 & 2 by the Public Employees Relations Board shall be adjusted by 3%.

**ARTICLE 2
METRO PASS**

The District of Columbia Government shall subsidize the cost of monthly transit passes for personal use by employees by not less than twenty five (\$25.00) per month for employees who purchase and use such passes to commute to and from work.

**ARTICLE 3
PRE-PAID LEGAL PLAN**

SECTION A:

The Employer shall make a monthly contribution of ten dollars (\$10.00) for each bargaining unit member toward a pre-paid legal services plan. The Employer shall make monthly contributions directly to the designated provider of the legal services program.

SECTION B:

The plan shall be contracted for by the Union subject to a competitive bidding process where bidders are evaluated and selected by the Union. The District may present a proposed contract which shall be evaluated on the same basis as other bidders. The contract shall provide that the Employer will be held harmless from any liability arising out of the implementation and administration of the plan by the benefit provider, that the benefit provider will supply utilization statistics to the Employer and the Union upon request for each year of the contract, and that the benefit provider shall bear all administrative costs.

SECTION C:

The parties shall meet to develop procedures to implement the legal plan which shall be binding upon the benefit provider. The procedures shall include an enrollment process.

SECTION D:

To be selected for a contract under this Article, the benefit provider must maintain an office in the District of Columbia; be incorporated in the District and pay a franchise tax and other applicable taxes; have service providers in the District; and maintain a District bank account.

SECTION E:

The Employer's responsibility under the terms of this Article shall be as outlined in Section C of this Article and to make premium payments as is required under Section A of this Article. To the extent that any disputes or inquiries are made by the legal services provider chosen by the Union, those inquiries shall be made exclusively to the Union. The Employer shall only be required to communicate with the Union to resolve any disputes that may arise in the administration of this Article.

**ARTICLE 4
DISTRICT OF COLUMBIA
NEGOTIATED EMPLOYEE ASSISTANCE HOME PURCHASE
PROGRAM**

SECTION A:

The Parties shall continue the Joint Labor-Management Taskforce on Employee Housing.

SECTION B:

Pursuant to the DPM, Part 1, Chapter 3 §301, the District provides a preference for District residents in employment. In order to encourage employees to live and work in the District of Columbia, a joint Labor-Management Task Force on Employee Housing was established during previous negotiations with Compensation Units 1 & 2. The Taskforce strives to inform employees of the programs currently available for home ownership in the District of Columbia. Additionally, the Taskforce collaborates with other government agencies including the Department of Housing and Community Development and the District's Housing Finance Agency to further affordable housing opportunities for bargaining unit employees, who have been employed by the District Government for at least one year.

SECTION C:

The parties agree that \$500,000.00 will be set aside to be used toward Negotiated employee Assistance Home Purchase Program (NEAHP) for the duration of the Agreement. If at any time, the funds set aside have been depleted, the Parties will promptly convene negotiations to provide additional funds for the program.

SECTION D:

Any funds set aside in Fiscal Years 2014, 2015, 2016 and 2017 shall be available for expenditure in that fiscal year or any other fiscal year covered by the Compensation Units 1 and 2 Agreement. All funds set aside for housing incentives shall be expended or obligated prior to the expiration of the Compensation Units 1 and 2 Agreement for FY 2014 – FY 2017.

**ARTICLE 5
BENEFITS COMMITTEE**

SECTION A:

The parties agree to continue their participation on the District's Joint Labor-Management Benefits Committee for the purpose of addressing the benefits of employees in Compensation Units 1 and 2. The Benefits Committee shall meet quarterly, in January, April, July and October of each year.

SECTION B: RESPONSIBILITIES:

The Parties shall be authorized to consider all matters that concern the benefits of employees in Compensation Units 1 and 2 that are subject to mandatory bargaining between the parties. The Parties shall be empowered to address such matters only to the extent granted by the Unions in Compensation Units 1 and 2 and the District of Columbia Government. The parties agree to apply a system of expedited arbitration if necessary to resolve issues that are subject to mandatory bargaining. The Committee may, by consensus, discuss and consider other benefit issues that are not mandatory bargaining subjects.

SECTION C:

The Committee shall:

1. Monitor the quality and level of services provided to covered employees under existing Health, Optical and Dental Insurance Plans for employees in Compensation Units 1 and 2.
2. Recommend changes and enhancements in Health, Optical and Dental benefits for employees in Compensation Units 1 and 2 consistent with Chapter 6, Subchapter XXI of the D.C. Official Code (2001 ed.).
3. With the assistance of the Office of Contracting and Procurement, evaluate criteria for bids, make recommendations concerning the preparation of solicitation of bids and make recommendations to the contracting officer concerning the selection of providers following the receipt of bids, consistent with Chapter 4 of the D.C. Official Code (2001 ed.).

4. Following the receipt of bids to select health, dental, optical, life and disability insurance providers, the Union's Chief Negotiator shall be notified to identify no more than two individuals to participate in the RFP selection process.
5. Explore issues concerning the workers' compensation system that affect employees in Compensation Units 1 and 2 consistent with Chapter 6, Subchapter XXIII of the D.C. Official Code (2001 ed.).
6. The Union shall be notified of proposed benefit programs to determine the extent to which they impact employees in Compensation Units 1 and 2. Upon notification, the Union shall inform the Office of Labor Relations and Collective Bargaining within ten (10) calendar days to discuss any concerns it has regarding the impact on employees in Compensation Units 1 and 2.

ARTICLE 6 BENEFITS

SECTION A: LIFE INSURANCE:

1. Life insurance is provided to covered employees in accordance with §1-622.01, *et seq.* of the District of Columbia Official Code (2001 Edition) and Chapter 87 of Title 5 of the United States Code.

(a) District of Columbia Official Code §1-622.03 (2001 Edition) requires that benefits shall be provided as set forth in §1-622.07 to all employees of the District first employed after September 30, 1987, except those specifically excluded by law or by rule.

(b) District of Columbia Official Code §1-622.01 (2001 Edition) requires that benefits shall be provided as set forth in Chapter 87 of Title 5 of the United States Code for all employees of the District government first employed before October 1, 1987, except those specifically excluded by law or rule and regulation.

2. The current life insurance benefits for employees hired on or after October 1, 1987 are: The District of Columbia provides life insurance in an amount equal to the employee's annual salary rounded to the next thousand, plus an additional \$2,000. Employees are required to pay two-thirds (2/3) of the total cost of the monthly premium. The District Government shall pay one-third (1/3) of the total cost of the premium. Employees may choose to purchase additional life insurance coverage through the District Government. These additions to the basic coverage are set-forth in the schedule below:

Option A – Standard	Provides \$10,000 additional coverage	Cost determined by age
Option B – Additional	Provides coverage up to five times the employee's annual salary	Cost determined by age and employee's salary
Option C – Family	Provides \$5,000 coverage for the eligible spouse and \$2,500 for each eligible child.	Cost determined by age.

Employees must contact their respective personnel offices to enroll or make changes in their life insurance coverage.

SECTION B: HEALTH INSURANCE:

1. Pursuant to D.C. Official Code §1-621.02 (2001 Edition), all employees covered by this agreement and hired after September 30, 1987, shall be entitled to enroll in group health insurance coverage provided by the District of Columbia.

(a) Health insurance coverage shall provide a level of benefits comparable to the plan(s) provided on the effective date of this agreement. Benefit levels shall not be reduced during the term of this agreement except by mutual agreement of the District, representatives of Compensation Units 1 and 2 and the insurance carrier(s). District employees are required to execute an enrollment form in order to participate in this program.

(b) The District may elect to provide additional health care providers for employees employed after September 30, 1987, provided that such addition of providers does not reduce the current level of benefits provided to employees. Should the District Government decide to expand the list of eligible providers, the District shall give Compensation Units 1 & 2 representatives notice of the proposed additions.

(c) Employees are required to contribute 25% of the total premium cost of the employee's selected plan. The District of Columbia Government shall contribute 75% of the premium cost of the employee's selected plan.

2. Pursuant to D.C. Official Code §1-621.01 (2001 Edition), all District employees covered by this agreement and hired before October 1, 1987, shall be eligible to participate in group health insurance coverage provided through the Federal Employees Health Benefits Program (FEHB) as provided in Chapter 89 of Title 5 of the United States Code. This program is administered by United States Office of Personnel Management.

3. The plan descriptions shall provide the terms of coverage and administration of the respective plans. Employees and union representatives are entitled to receive a copy of the summary plan description upon request. Additionally, employees

and union representatives are entitled to review copies of the actual plan description upon advance request.

SECTION C: OPTICAL AND DENTAL:

1. The District shall provide Optical and Dental Plan coverage at a level of benefits comparable to the plan(s) provided on the effective date of this agreement. Benefit levels shall not be reduced during the term of this agreement except by mutual agreement of the District, the Union and the insurance carrier(s). District employees are required to execute an enrollment form in order to participate in the Optical and Dental program.

2. The District may elect to provide additional Optical and/or Dental providers, provided that such addition of providers does not reduce the current level of benefits provided to employees. Should the District Government decide to expand the list of eligible providers, the District shall give Compensation Units 1 & 2 representatives notice of the proposed additions.

SECTION D: SHORT-TERM DISABILITY INSURANCE PROGRAM

Employees covered by this Agreement shall be eligible to enroll, at their own expense, in the District's Short-Term Disability Insurance Program, which provides for partial income replacement when employees are required to be absent from duty due to a non-work-related qualifying medical condition. Employees may use income replacement benefits under the program in conjunction with annual or sick leave benefits provided for in this Agreement.

SECTION E: ANNUAL LEAVE:

1. In accordance with D.C. Official Code §1-612.03 (2001 Edition), full-time employees covered by the terms of this agreement are entitled to:

(a) one-half (1/2) day (4 hours) for each full biweekly pay period for an employee with less than three years of service (accruing a total of thirteen (13) annual leave days per annum);

(b) three-fourths (3/4) day (6 hours) for each full biweekly pay period, except that the accrual for the last full biweekly pay period in the year is one and one-fourth days (10 hours), for an employee with more than three (3) but less than fifteen (15) years of service (accruing a total of twenty (20) annual leave days per annum); and,

(c) one (1) day (8 hours) for each full biweekly pay period for an employee with fifteen (15) or more years of service (accruing a total of twenty-six (26) annual leave days per annum).

2. Part-time employees who work at least 40 hours per pay period earn annual leave at one-half the rate of full-time employees.

3. Employees shall be eligible to use annual leave in accordance with the District of Columbia laws.

SECTION F: SICK LEAVE:

1. In accordance with District of Columbia Official Code §1-612.03 (2001 Edition), a full-time employee covered by the terms of this agreement may accumulate up to thirteen (13) sick days in a calendar year.

2. Part-time employees for whom there has been established in advance a regular tour of duty of a definite day or hour of any day during each administrative workweek of the biweekly pay period shall earn sick leave at the rate of one (1) hour for each twenty (20) hours of duty. Credit may not exceed four (4) hours of sick leave for 80 hours of duty in any pay period. There is no credit of leave for fractional parts of a biweekly pay period either at the beginning or end of an employee's period of service.

SECTION G: OTHER FORMS OF LEAVE:

1. **Military Leave:** An employee is entitled to leave, without loss of pay, leave, or credit for time of service as reserve members of the armed forces or as members of the National Guard to the extent provided in D.C. Official Code §1-612.03(m) (2001 Edition).

2. **Court Leave:** An employee is entitled to leave, without loss of pay, leave, or service credit during a period of absence in which he or she is required to report for jury duty or to appear as a witness on behalf of the District of Columbia Government, or the Federal or a state or local government to the extent provided in D.C. Official Code §1-612.03(l) (2001 Edition).

3. **Funeral Leave:**

a. An employee is entitled to two (2) days of leave, without loss of pay, leave, or service credit to make arrangements for or to attend the funeral or memorial service for an immediate relative. In addition, the Employer shall grant an employee's request for annual or compensatory time up to three (3) days upon the death of an immediate relative. Approval of additional time shall be at the Employer's discretion. However, requests for leave shall be granted unless the Agency's ability to accomplish its work would be seriously impaired.

b. For the purpose of this section "immediate relative" means the following relatives of the employee: spouse (including a person identified by an employee as his/her "domestic partner" (as defined in D.C. Official Code §32-701 (2001 edition), and related laws), and parents thereof, children (including adopted and foster children and children of whom the employee is legal guardian and spouses thereof, parents, grandparents, grandchildren, brothers, sisters, and spouses thereof. For the purposes of certification of leave, employees shall provide a copy of the obituary or death notice, a note from clergy or funeral professional or a death certificate upon the Employer's request.

c. An employee is entitled to not more than three (3) days of leave, without loss of pay, leave, or service credit to make arrangements for or to attend the funeral or memorial service for a family member who died as a result of a wound, disease or injury incurred while serving as a member of the armed forces in a combat zone to the extent provided in D.C. Official Code §1-612.03(n) (2001 Edition).

SECTION H: PRE-TAX BENEFITS:

1. Employee contributions to benefits programs established pursuant to D.C. Official Code §1-611.19 (2001 ed.), including the District of Columbia Employees Health Benefits Program, may be made on a pre-tax basis in accordance with the requirements of the Internal Revenue Code and, to the extent permitted by the Internal Revenue Code, such pre-tax contributions shall not effect a reduction of the amount of any other retirement, pension, or other benefits provided by law.

2. To the extent permitted by the Internal Revenue Code, any amount of contributions made on a pre-tax basis shall be included in the employee's contributions to existing life insurance, retirement system, and for any other District government program keyed to the employee's scheduled rate of pay, but shall not be included for the purpose of computing Federal or District income tax withholdings, including F.I.C.A., on behalf of any such employee.

SECTION I: RETIREMENT:

1. **CIVIL SERVICE RETIREMENT SYSTEM (CSRS):** As prescribed by 5 U.S.C. §8401 and related chapters, employees first hired by the District of Columbia Government before October 1, 1987, are subject to the provisions of the CSRS, which is administered by the U.S. Office of Personnel Management. Under Optional Retirement the aforementioned employee may choose to retire when he/she reaches:

- (a) Age 55 and 30 years of service;
- (b) Age 60 and 20 years of service;
- (c) Age 62 and 5 years of service.

Under Voluntary Early Retirement, which must be authorized by the U.S. Office of Personnel Management, an employee may choose to retire when he/she reaches:

- (a) Age 50 and 20 years of service;
- (b) Any age and 25 years of service.

The pension of an employee who chooses Voluntary Early Retirement will be reduced by 2% for each year under age 55.

2. CIVIL SERVICE RETIREMENT SYSTEM: SPECIAL RETIREMENT PROVISIONS FOR LAW ENFORCEMENT OFFICERS:

Employees first hired by the District of Columbia Government before October 1, 1987, who are subject to the provisions of the CSRS and determined to be:

- (a) a "law enforcement officer" within the meaning of 5 U.S.C. §8331(20)(D);
and
- (b) eligible for benefits under the special retirement provision for law enforcement officers;

shall continue to have their retirement benefits administered by the U. S. Office of Personnel Management in accordance with applicable law and regulation.

3. DEFINED CONTRIBUTION PENSION PLAN:

Section A:

The District of Columbia shall continue the Defined Contribution Pension Plan currently in effect which includes:

(1) All eligible employees hired by the District on or after October 1, 1987, are enrolled into the defined contribution pension plan.

(2) As prescribed by §1-626.09(c) of the D.C. Official Code (2001 Edition) after the completion of one year of service, the District shall contribute an amount not less than 5% of their base salary to an employee's Defined Contribution Pension Plan account. The District government funds this plan; there is no employee contribution to the Defined Contribution Pension Plan.

(3) As prescribed by §1-626.09(d) of the D.C. Official Code (2001 Edition) the District shall contribute an amount not less than an additional .5% of a detention officer's base salary to the same plan.

(4) Compensation Units 1 and 2 Joint Labor Management Technical Advisory Pension Reform Committee

(a) Establishment of the Joint Labor-Management Technical Advisory Pension Reform Committee (JLMTAPRC or Committee)

(1) The Parties agree that employees should have the security of a predictable level of income for their retirement after a career in public service. In order to support the objective of providing retirement income for employees hired on or after October 1, 1987, the District shall plan and implement an enhanced retirement program effective October 1, 2008. The enhanced program will consist of a

deferred compensation component and a defined benefit component.

(2) Accordingly, the Parties agree that the JLMTAPRC is hereby established for the purpose of developing an enhanced retirement program for employees covered by the Compensation Units 1 and 2 Agreement.

(b) Composition of the JLMTAPRC

The Joint Labor-Management Technical Advisory Pension Reform Committee will be composed of six (6) members, three (3) appointed by labor and three (3) appointed by management, and the Chief Negotiators (or his/her designee) of Compensation Units 1 and 2. Appointed representatives must possess a pension plan background including but not limited to consulting, financial or actuarial services. In addition, an independent consulting firm with demonstrated experience in pension plans design and actuarial analysis will support the Committee.

(c) Responsibilities of the JLMTAPRC

The Committee shall be responsible to:

- Plan and design an enhanced retirement program for employees hired on or after October 1, 1987 with equitable sharing of costs and risks between employee and employer;
- Establish a formula cap for employee and employer contributions;
- Establish the final compensation calculation using the highest three-year consecutive average employee wages;
- Include retirement provisions such as disability, survivor and death benefits, health and life insurance benefits;
- Design a plan sustainable within the allocated budget;
- Draft and support legislation to amend the D.C. Code in furtherance of the "Enhanced Retirement Program."

(d) Duration of the Committee

The Committee shall complete and submit a report with its recommendations to the City Administrator for the District of Columbia within one hundred and twenty (120) days after the effective date of the Compensation Units 1 and 2 Agreement.

4. TIAA-CREF PLAN:

For eligible education service employees at the University of the District of Columbia hired by the University or a predecessor institution, the University will contribute an amount not less than seven percent (7%) of their base salary to the Teachers Insurance and Annuity Association College Retirement Equities Fund (TIAA-CREF).

SECTION J: HOLIDAYS:

1. As prescribed by D.C. Official Code §1-612.02 (2001 Edition) the following legal public holidays are provided to all employees covered by this agreement:

- (a) New Year's Day, January 1st of each year;
- (b) Dr. Martin Luther King, Jr.'s Birthday, the 3rd Monday in January of each year;
- (c) Washington's Birthday, the 3rd Monday in February of each year;
- (d) Emancipation Day, April 16th;
- (e) Memorial Day, the last Monday in May of each year;
- (f) Independence Day, July 4th of each year;
- (g) Labor Day, the 1st Monday in September of each year;
- (h) Columbus Day, the 2nd Monday in October of each year;
- (i) Veterans Day, November 11th of each year;
- (j) Thanksgiving Day, the 4th Thursday in November of each year;
and
- (k) Christmas Day, December 25th of each year.

2. When an employee, having a regularly scheduled tour of duty is relieved or prevented from working on a day District agencies are closed by order of the Mayor, he or she is entitled to the same pay for that day as for a day on which an ordinary day's work is performed.

ARTICLE 7 OVERTIME

SECTION A: Overtime Work:

Hours of work authorized in excess of eight (8) hours in a pay status in a day or forty (40) hours in a pay status in a work week shall be overtime work for which an employee shall receive either overtime pay or compensatory time unless the employee has used unscheduled leave during the eight (8) hours shift or the forty (40) hour work week. The unscheduled leave rule will not apply when an employee has worked a sixteen (16) hour shift (back-to-back) and takes unscheduled leave for an eight (8) hour period following the back-to-back shift or where an employee has indicated his/her preference not to work overtime and the Employer has no other option but to order the employee to work overtime. Scheduled leave is leave requested and approved prior to the close of the preceding shift.

SECTION B: Compressed, Alternate and Flexible Schedules:

1. Compressed, Alternate and Flexible schedules may be jointly determined within a specific work area that modifies this overtime provision (as outlined in Section A of this Article) but must be submitted to the parties to this contract prior to implementation. This Agreement to jointly determine compressed schedules does not impact on the setting of the tour of duty.

2. When an employee works a Compressed, Alternate, and Flexible schedule, which generally means (1) in the case of a full-time employee, an 80-hour biweekly basic work requirement which is scheduled for less than 10 workdays, and (2) in the case of a part-time employee, a biweekly basic work requirement of less than 80 hours which is scheduled for less than 10 workdays, the employee would receive overtime pay or compensatory time for all hours in a pay status in excess of his/her assigned tour of duty, consistent with the 2004 District of Columbia Omnibus Authorization Act, 118 Stat. 2230, Pub. L. 108-386 Section (October 30, 2004).

3. The purpose of this Section is to allow for authorized Compressed, Alternate, and Flexible time schedules which exceed eight (8) hours in a day or 40 hours in a week to be deemed the employee's regular tour of duty, and not be considered and not be considered overtime within the confines of the specific compressed work schedule and this Article. Bargaining unit members so affected would receive overtime or compensatory time for all hours in pay status in excess of their assigned tour of duty.

SECTION C:

Subject to the provisions of Section D of this Article, an employee who performs overtime work shall receive either pay or compensatory time at a rate of time and one-half (1-1/2) for each hour of work for which overtime is payable.

SECTION D:

Bargaining Unit employees shall receive overtime pay unless the employee and the supervisor mutually agree to compensatory time in lieu of pay for overtime work. Such mutual agreement shall be made prior to the overtime work being performed.

SECTION E:

Paramedics and Emergency Medical Services Technicians employed by the Fire and Emergency Medical Services Department and represented by the American Federation of Government Employees, Local 3721 shall earn overtime after they have worked 40 hours in a week.

**ARTICLE 8
INCENTIVE PROGRAMS**

PART I - SICK LEAVE INCENTIVE PROGRAM:

In order to recognize an employee's productivity through his/her responsible use of accrued sick leave, the Employer agrees to provide time-off in accordance with the following:

SECTION A:

A full time employee who is in a pay status for the leave year shall accrue annually:

1. Three (3) days off for utilizing a total of no more than two (2) days of accrued sick leave.
2. Two (2) days off for utilizing a total of more than two (2) but not more than four (4) days of accrued sick leave.
3. One (1) day off for utilizing a total of more than four (4) but no more than five (5) days of accrued sick leave.

SECTION B:

Employees in a non-pay status for no more than two (2) pay periods for the leave year shall remain eligible for incentive days under this Article. Sick leave usage for maternity or catastrophic illness/injury, not to exceed two (2) consecutive pay periods, shall not be counted against sick leave for calculating eligibility for incentive leave under this Article.

SECTION C:

Time off pursuant to a sick leave incentive award shall be selected by the employee and requested at least three (3) full workdays in advance of the leave date. Requests for time off pursuant to an incentive award shall be given priority consideration and the employee's supervisor shall approve such requests for time off unless staffing needs or workload considerations dictate otherwise. If the request is denied, the employee shall request and be granted a different day off within one month of the date the employee initially requested. Requests for time off shall be made on the standard "Application for Leave" form.

SECTION D:

All incentive days must be used in full-day increments following the leave year in which they were earned. Incentive days may not be substituted for any other type of absence from duty. There shall be no carryover or payment for any unused incentive days.

SECTION E:

Part-time employees are not eligible for the sick leave incentive as provided in this Article.

SECTION F:

This program shall be in effect in Fiscal Years 2014, 2015, 2016 and 2017.

PART II – PERFORMANCE INCENTIVE PILOT PROGRAM:

In order to recognize employees' productivity through their accomplishment of established goals and objectives, special acts toward the accomplishment of agency initiatives, demonstrated leadership in meeting agency program and/or project goals and/or the District's Strategic Plan initiatives, the Employer, in accordance with criteria established by the High Performance Workplace Committee agrees to establish pilot incentive programs within agencies, including time off without loss of pay or charge to leave as an incentive award. The District of Columbia Government Office of Labor Management Partnerships and the District of Columbia Incentive Awards Committee may serve as resources at the request of the parties in the implementation of the pilot incentive programs within agencies.

ARTICLE 9

CALL-BACK/CALL-IN/ON-CALL AND PREMIUM PAY

SECTION A: CALL-BACK

A minimum of four (4) hours of overtime, shall be credited to any employee who is called back to perform unscheduled overtime work on a regular workday after he/she completes the regular work schedule and has left his/her place of employment.

SECTION B: CALL-IN

1. When an employee is called in before his/her regular tour of duty to perform unscheduled overtime and there is no break before the regular tour is to begin, a minimum of two (2) hours of overtime shall be credited to the employee.

2. A minimum of four (4) hours of overtime work shall be credited to any employee who is called in when not scheduled and informed in advance, on one of the days when he/she is off duty.

SECTION C: ON-CALL

1. An employee may be required to be on call after having completed his/her regular tour of duty. The employer shall specify the hours during which the employee is on call; and shall compensate the employee at a rate of twenty-five percent (25%) of his/her basic rate of pay for each hour the employee is on call.

2. The employee's schedule must specify the hours during which he/she will be required to remain on-call. On call designation will be made on the form attached as Appendix 1.

SECTION D: HOLIDAY PAY

An employee who is required to work on a legal holiday falling within his or her regular basic workweek, shall be paid at the rate of twice his or her regular basic rate of pay for not more than eight (8) hours of such work.

SECTION E: NIGHT DIFFERENTIAL

An employee shall receive night differential pay at a rate of ten percent (10%) in excess of their basic day rate of compensation when they perform night work on a regularly scheduled tour of duty falling between 6:00 p.m. and 6:00 a.m. Employees shall receive night differential in lieu of shift differential.

SECTION F: PAY FOR SUNDAY WORK

A full-time employee assigned to a regularly scheduled tour of duty, any part of which includes hours that fall between midnight Saturday and midnight Sunday, is entitled to Sunday premium pay for each hour of work performed which is not overtime work and which is not in excess of eight (8) hours for each tour of duty which begins or ends on Sunday. Sunday premium pay is computed as an additional twenty-five percent (25%) of the employee's basic rate of compensation.

SECTION G: ADDITIONAL INCOME ALLOWANCE FOR CHILD AND FAMILY SERVICES

1. The Additional Income Allowance (AIA) program within the Child and Family Services Agency (CFSA) which was established pursuant to the "Personnel Recruitment and Retention Incentives for Child and Family Services Agency Compensation System Changes Emergency Approval Resolution of 2001", Council Resolution 14-53 (March 23, 2001) and as contained in Chapter 11, Section 1154 of the District Personnel Manual, "Recruitment and Retention Incentives – Child and Family Services Agency," shall remain in full force and effect during the term of this Agreement.
2. The Administration of the AIA within CFSA shall be governed by the implementing regulations established in Child and Family Services Agency, Human Resources Administration Issuance System, HRA Instruction No. IV.11-3.

3. **OTHER SUBORDINATE AGENCIES WITH SIGNIFICANT RECRUITMENT AND RETENTION PROBLEMS**

Subordinate agencies covered by this Agreement may provide additional income allowances for positions that have significant recruitment and retention problems consistent with Chapter 11, Part B, Section 1143 of the District Personnel Manual.

**ARTICLE 10
MILEAGE ALLOWANCE**

SECTION A:

The parties agree that the mileage allowance established for the employees of the Federal Government who are authorized to use their personal vehicles in the performance of their official duties shall be the rate for Compensation Units 1 and 2 employees, who are also authorized in advance, by Management to use their personal vehicles in the performance of their official duties.

SECTION B:

To receive such allowance, authorization by Management must be issued prior to the use of the employee's vehicle in the performance of duty. Employees shall use the appropriate District Form to document mileage and request reimbursement of the allowance.

SECTION C:

1. Employees required to use their personal vehicle for official business if a government vehicle is not available, who are reimbursed by the District on a mileage basis for such use, are within the scope of the District of Columbia Non-Liability Act (D.C. Official Code §§2-411 through 2-416 (2001 Edition)). The Non-Liability Act generally provides that a District Employee is not subject to personal liability in a civil suit for property damage or for personal injury arising out of a motor vehicle accident during the discharge of the employee's official duties, so long as the employee was acting within the scope of his or her employment.

2. Claims by employees for personal property damage or loss incident to the use of their personal vehicle for official business if a government vehicle is not available may be made under the Military Personnel and Civilian Employees Claim Act of 1964 (31 U.S.C. §3701 *et seq.*).

SECTION D:

No employee within Compensation 1 and 2 shall be required to use his/her personal vehicle unless the position vacancy announcement, position description or other pre-hire

documentation informs the employee that the use of his/her personal vehicle is a requirement of the job.

SECTION E:

Employees required as a condition of employment to use their personal vehicle in the performance of their official duties may be provided a parking space or shall be reimbursed for non-commuter parking expenses, which are incurred in the performance of their official duties.

ARTICLE 11
ANNUAL LEAVE/COMPENSATORY TIME BUY-OUT

SECTION A:

An employee who is separated or is otherwise entitled to a lump-sum payment under personnel regulations for the District of Columbia Government shall receive such payment for each hour of unused annual leave or compensatory time in the employee's official leave record.

SECTION B:

The lump-sum payment shall be computed on the basis of the employee's rate at the time of separation in accordance with such personnel regulations.

ARTICLE 12
BACK PAY

Arbitration awards or settlement agreements in cases involving an individual employee shall be paid within sixty (60) days of receipt from the employee of relevant documentation, including documentation of interim earnings and other potential offsets. The responsible Agency shall submit the SF-52 and all other required documentation to the Department of Human Resources within thirty (30) days upon receipt from the employee of relevant documentation.

ARTICLE 13
DUTY STATION COVERAGE

The Fire and Emergency Medical Services employees and the correctional officers at the Department of Corrections and the Department of Youth Rehabilitative Services who are covered under Section 7(k) of the Fair Labor Standards Act shall be compensated a minimum of one hour pay if required to remain at his/her duty station beyond the normal tour of duty.

ARTICLE 14 GRIEVANCES

SECTION A:

This Compensation Agreement shall be incorporated by reference into local working conditions agreements in order to utilize the grievance/arbitration procedure in those Agreements to consider alleged violations of this Agreement.

SECTION B:

Grievances concerning compensation shall be filed with the appropriate agency and the Office of Labor Relations and Collective Bargaining under the applicable working conditions agreement.

ARTICLE 15 LOCAL ENVIRONMENT PAY

SECTION A:

Each department or agency shall eliminate or reduce to the lowest level possible all hazards, physical hardships, and working conditions of an unusual nature. When such action does not overcome the hazard, physical hardship, or unusual nature of the working condition, additional pay is warranted. Even though additional pay for exposure to a hazard, physical hardship, or unusual working condition is authorized, there is a responsibility on the part of a department or agency to initiate continuing positive action to eliminate danger and risk which contribute to or cause the hazard, physical hardship, or unusual working condition. The existence of pay for exposure to hazardous working conditions or hardships in a local environment is not intended to condone work practices that circumvent safety laws, rules and regulations.

SECTION B:

Local environment pay is paid for exposure to (1) a hazard of an unusual nature which could result in significant injury, illness, or death, such as on a high structure when the hazard is not practically eliminated by protective facilities or an open structure when adverse conditions exist, e.g., darkness, lightning, steady rain, snow, sleet, ice, or high wind velocity; (2) a physical hardship of an unusual nature under circumstances which cause significant physical discomfort in the form of nausea, or skin, eye, ear or nose irritation, or conditions which cause abnormal soil of body and clothing, etc., and where such distress or discomfort is not practically eliminated.

SECTION C:

Wage Grade (WG) employees as listed in Chapter 11B, Appendix C of the DPM and any other employee including District Service (DS) employees as determined pursuant to Section 4 of this Article and Chapter 11B, Subpart 10.6 of the DPM are eligible for environmental differentials.

SECTION D:

The determination as to whether additional pay is warranted for workplace exposure to environmental hazards, hardships or unusual working conditions may be initiated by an agency or labor organization in accordance with the provisions of Chapter 11B, Subpart 10.6 of the DPM.

SECTION E:

Employees eligible for local environment pay under the terms of this Agreement shall be compensated as follows:

1. **Severe Exposure.** Employees subject to “Severe” exposure shall receive local environment pay equal to twenty seven percent (27%) of *the rate for RW 10, step 2 on the Compensation Unit 2 pay schedule*. The following categories of work are currently paid the rate for “severe” exposure:

- High Work

2. **Moderate Exposure.** Employees subject to “Moderate” exposure shall receive local environment pay equal to ten percent (10%) of *the rate for RW 10, step 2 on the Compensation Unit 2 pay schedule*. The following categories of work are currently paid the rate for “moderate” exposure:

- Explosives and Incendiary
Materials – High Degree Hazard
- Poison (Toxic Chemicals)
– High Degree Hazard
- Micro Organisms
– High Degree Hazard

3. **Low Exposure.** Employees subject to “Low” exposure shall receive local environment pay equal to five percent (5%) of *the rate for RW 10, step 2 on the Compensation Unit 2 pay schedule*. The following categories of work are currently paid the rate for “low” exposure:

- Dirty Work
- Cold Work
- Hot Work
- Welding Preheated metals

- Explosives and Incendiary Materials
 - Low Degree Hazard
- Poison (Toxic Chemicals)
 - Low Degree Hazard
- Micro Organisms
 - Low Degree Hazard

SECTION F:

These changes to local environment pay shall not take effect until the payroll modules of PeopleSoft are implemented by the District of Columbia.

**ARTICLE 16
NEWLY CERTIFIED BARGAINING UNITS**

For units placed into a new compensation unit, working conditions or non-compensatory matters shall be negotiated simultaneous with negotiations concerning compensation. Where the agreement is for a newly certified collective bargaining unit assigned to an existing compensation unit, the parties shall proceed promptly to negotiate simultaneously any working conditions, other non-compensatory matters, and coverage of the compensation agreement. There should not be read into the new language any intent that an existing compensation agreement shall become negotiable when there is a newly certified collective bargaining unit. Rather, the intent is to require prompt negotiations of non-compensatory matters as well as application of compensation (e.g., when pay scale shall apply to the newly certified unit).

**ARTICLE 17
TERM AND TEMPORARY EMPLOYEES**

The District of Columbia recognizes that many temporary and term employees have had their terms extended to perform permanent services. To address the interests of current term and temporary employees whose appointments have been so extended over time and who perform permanent services, the District of Columbia and the Union representing the employees in Compensation Units 1 and 2 agree to the following:

SECTION A:

Joint labor-management committees established in each agency/program in the Compensation Units 1 and 2 collective bargaining agreement which was effective through September 30, 2010, shall continue and will identify temporary and term employees whose current term and or temporary appointments extend to September 30, 2006, and who perform permanent services in District agency programs.

SECTION B:

Each Agency and Local Union shall review all term appointments within the respective agencies to determine whether such appointments are made and maintained consistent with applicable law. The Union shall identify individual appointments it believes to be contrary to applicable law and notify the Agency. The Agency shall provide the Union reason(s) for the term or temporary nature of the appointment(s), where said appointments appear to be contrary to law. If an employee has been inappropriately appointed to or maintained in a temporary or term appointment, the Agency and the Union shall meet to resolve the matter.

SECTION C:

The agency shall convert bargaining unit temporary and term employees identified by the joint labor-management committees, who perform permanent services, who are in a pay status as of September 30, 2010, and are paid from appropriated funding to the career service prior to the end of the FY 2013 – FY 2017 Compensation Agreement.

SECTION D:

Prior to the end of the FY 2013 – FY 2017 Compensation Agreement, to the extent not inconsistent with District or Federal law and regulation, the District shall make reasonable efforts to convert to the career service temporary and term bargaining unit employees identified by the joint labor-management committees who perform permanent services, are in a pay status as of September 30, 2017, are full-time permanent positions, and are paid through intra-district funding or federal grant funding.

SECTION E:

Employees in term or temporary appointments shall be converted to permanent appointments, consistent with the D.C. Official Code.

SECTION F:

District agencies retain the authority to make term and temporary appointments as appropriate for seasonal and temporary work needs.

SECTION G:

A Joint-Labor Management Committee shall consist of one (1) representative from each national union comprising Compensation Units 1 and 2. The District shall appoint an equal number of representatives. The Committee will facilitate the implementation of this Article should difficulties arise in the Joint-Labor Management Committees set forth in Section A.

ARTICLE 18
SAVINGS CLAUSE

SECTION A:

Should any provisions of this Agreement be rendered or declared invalid by reason of any existing or subsequently enacted law or by decree of a court or administrative agency of competent jurisdiction, such invalidation shall not affect any other part or provision hereof. Where appropriate, the parties shall meet within 120 days to negotiate any substitute provision(s).

SECTION B:

The terms of this contract supersede any subsequently enacted D.C. laws, District Personnel Manual (DPM) regulations, or departmental rules concerning compensation covered herein.


ARTICLE 19
DURATION

This Agreement shall remain in full force and effect through September 30, 2017. On this _____ day of _____ 2013, and as witness the parties hereto have set their signature.

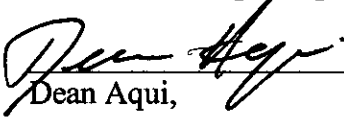
Compensation Units One and Two Collective Bargaining Agreement

Signed: July, 2013

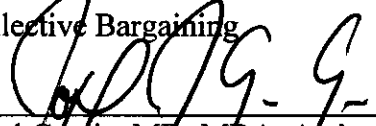
**FOR THE DISTRICT OF COLUMBIA
GOVERNMENT**



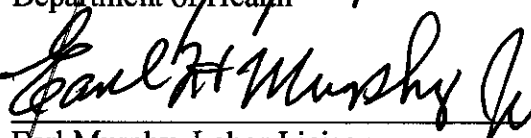
Natasha Campbell, Director
Office of Labor Relations and
Collective Bargaining




Dean Aquino,
Supervisory Attorney Advisor
Office of Labor Relations and
Collective Bargaining



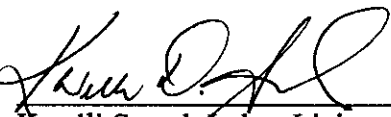
Joxel Garcia, MD, MBA, Acting Director
Department of Health



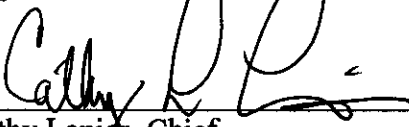
Earl Murphy, Labor Liaison
Department of Health



William Howland, Director
Department of Public Works




Kwelli Sneed, Labor Liaison
Department of Public Works




Cathy Lanier, Chief
Metropolitan Police Department

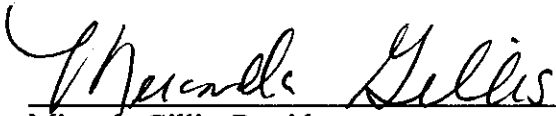
FOR THE UNIONS



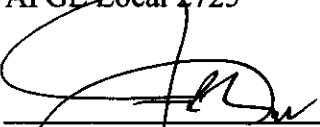
Geo T. Johnson, Chief Negotiator
Compensation Units 1 and 2



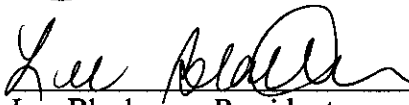
James Ivey, President
AFSCME Local 2091




Miranda Gillis, President
AFGE Local 2725




John Rosser, Chairman
Fraternal Order of Police/Department of
Corrections Labor Committee



Lee Blackmon, President
National Association of Government
Employees, R3-07



Ben Butler, President
AFGE Local 2741




Cynthia Perry, Staff Representative
1199 NUCHHE


Compensation Units One and Two Collective Bargaining Agreement

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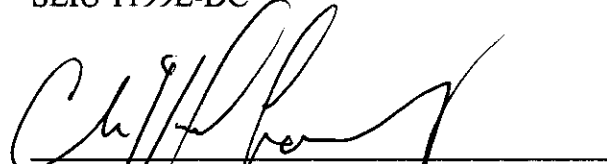
Mark Viehmeyer, Labor Liaison
Metropolitan Police Department



Lisa Wallace, Vice President
SEIU 1199E-DC



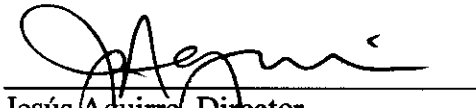
Kenneth Ellerbe, Chief
DC Fire and Emergency Medical Services



Clifford Lowrey, President
AFGE Local 1975


Brian Lee
DC Fire and Emergency Medical Services

Sabrina Brown, President
AFSCME Local 2401




Jesús Aguirre, Director
Department of Parks and Recreation

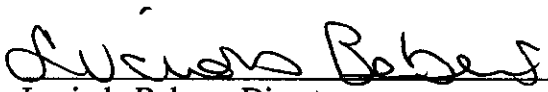
Reginald Walker, President
AFSCME Local 1200



Jamarj Johnson, Labor Liaison
Department of Park and Recreation



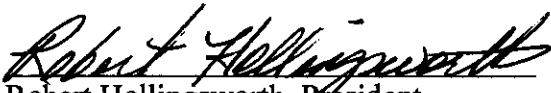
Cliff Dedrick, President
AFSCME Local 2743



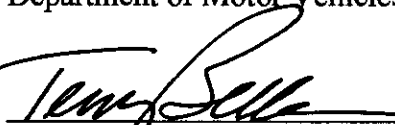
Lucinda Babers, Director
Department of Motor Vehicles

Kenneth Lyons, President
AFGE Local 3721


Odessa Nance, Labor Liaison
Department of Motor Vehicles



Robert Hollingsworth, President
AFSCME Local 2776



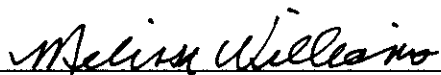
Terry Bellamy, Director
Department of Transportation




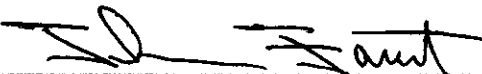
Antoinette White-Richardson, President
AFSCME Local 1808


Compensation Units One and Two Collective Bargaining Agreement


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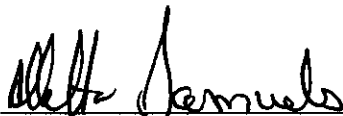

Melissa Williams, Labor Liaison
Department of Transportation



Robert Mayfield, President
AFGE Local 2978



Thomas Faust, Director
Department of Corrections

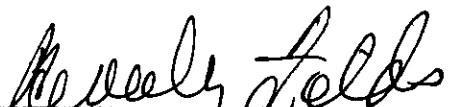

Timothy Traylor, President
AFGE Local 383

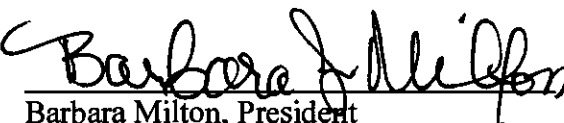

Paulette Johnson-Hutchings,
Labor Liaison
Department of Corrections

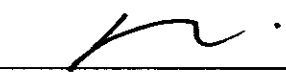

~~Richard Campbell~~, President Alletta Samuel
AFGE Local 1000


Marie Lydie Merre-Louis
Chief Medical Examiner
Office of the Chief Medical Examiner



Walter Jones, President
AFSCME Local 2087


Beverly Fields, Labor Liaison
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Barbara Milton, President
AFGE Local 631



Brian Hanlon, Director
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NAGE R3-05


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FOP-DYRSLC


Phillip A. Lattimore, III, Director
Office of Risk Management



Darren Roach, President
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Compensation Units One and Two Collective Bargaining Agreement

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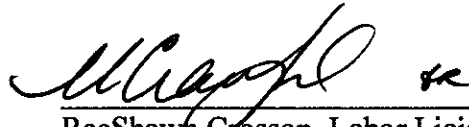
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Sheila Bailey-Wilson, President
AFSCME Local 709

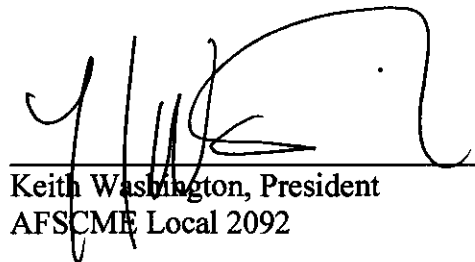


Emily Duso, Interim State
Superintendent of Education
Office of the State Superintendent
Of Education

Johnnie Walker, Representative
AFGE Local 3444



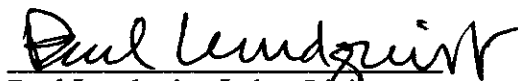
RaeShawn Crosson, Labor Liaison
Office of the State Superintendent
Of Education




Keith Washington, President
AFSCME Local 2092

Dr. Natwar Gandhi,
Chief Financial Officer
Office of the Chief Financial Officer


Mary Horne, President
AFSCME Local 2095



Paul Lundquist, Labor Liaison
Office of the Chief Financial Officer



Phillip A. Lattimore, III, Director
Office of Risk Management



Wayne M. Turnage, Director
Department of Health Care Finance

Compensation Units One and Two Collective Bargaining Agreement

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Portia Shorter, Labor Liaison
Department of Health Care Finance

David M. Berns

David Berns, Director
Department of Human Services

Jaki Buckley
Jaki Buckley, Labor Liaison
Department of Human Services

Ginnie Cooper, Executive Director
DC Public Libraries

Barbara L. Kirven

Barbara Kirven, Labor Liaison
DC Public Libraries

Jennifer Green
Jennifer Green, Director
Office of Unified Communications

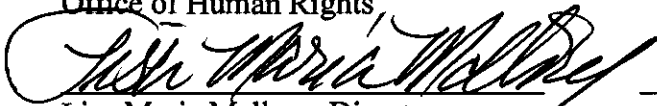
Amita Bonner-Evans
Amita Bonner-Evans, Labor Liaison
Office of Unified Communications

Compensation Units One and Two Collective Bargaining Agreement

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Gustavo F. Velasquez, Director
Office of Human Rights

Ayanna Lee, Labor Liaison
Office of Human Rights




Lisa Maria Mallory, Director
Department of Employment Services


Rahsaan J. Coefield, Labor Liaison
Department of Employment Services




William P. White, Commissioner
Department of Insurance, Securities
And Banking



Margaret Schwender, Labor Liaison
Department of Insurance, Securities
And Banking



Nicholas A. Majett, Director
Department of Consumer and
Regulatory Affairs



Donald Tatum, Labor Liaison
Department of Consumer and
Regulatory Affairs

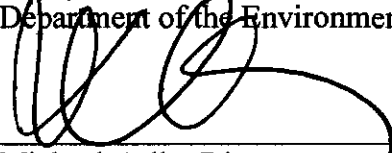
Compensation Units One and Two Collective Bargaining Agreement

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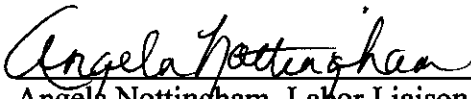
Keith Anderson, Director
Department of the Environment



Denise Rivera-Portis, Labor Liaison
Department of the Environment



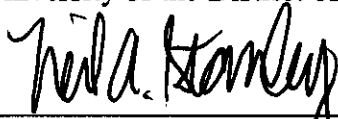
Michael Kelly, Director
Department of Housing and
Community Development



Angela Nottingham, Labor Liaison
Department of Housing and
Community Development

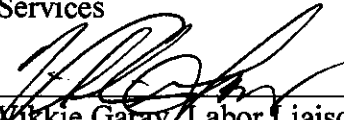
Dr. James E. Lyons, Sr., Interim President
University of the District of Columbia

_____, Labor Liaison
University of the District of Columbia



Neil Stanley, Director
Department of Youth Rehabilitation
Services

Tania Mortensen, Labor Liaison
Department of Youth Rehabilitation
Services



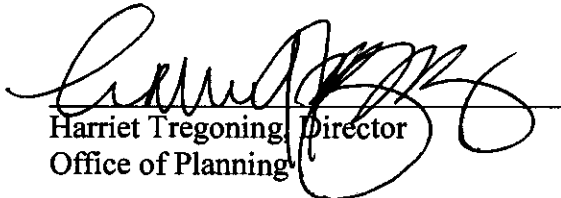
Vikkie Garay, Labor Liaison
Department of General Services

Compensation Units One and Two Collective Bargaining Agreement


Signed: July, 2012

Ron M. Linton, Commissioner
DC Taxicab Commission

Patty Mason, Labor Liaison
DC Taxicab Commission



Harriet Tregoning, Director
Office of Planning



Sandra Harp, Labor Liaison
Office of Planning

Eric E. Richardson, Executive Director
Office of Cable Television

Angela Harper, Labor Liaison
Office of Cable Television

Robert Mancini, Chief Technology Officer
Office of the Chief Technology Officer

Christina Fleps, Labor Liaison
Office of the Chief Technology Officer

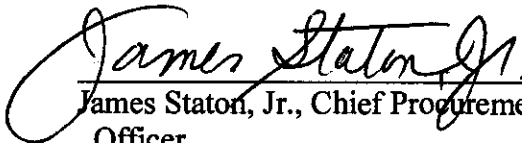
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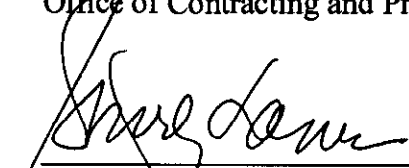


Laura L. Nuss, Director
Department of Disability Services

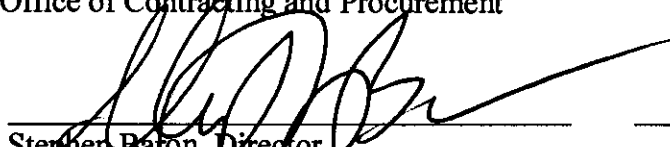
Kehinde Asuelimen, Labor Liaison
Department of Disability Services



James Staton, Jr., Chief Procurement
Officer
Office of Contracting and Procurement



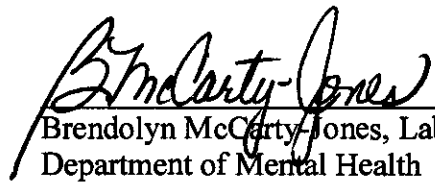
Shirley Danner, Labor Liaison
Office of Contracting and Procurement



Stephen Baron, Director
Department of Mental Health



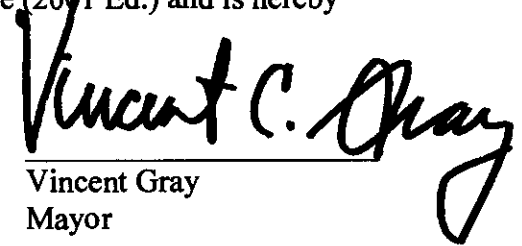
Frankie T. Wheeler, Director,
Human Resources
Department of Mental Health



Brendolyn McCarty-Jones, Labor Liaison
Department of Mental Health

APPROVAL

This collective bargaining agreement between the District of Columbia and Compensation Units 1 and 2, dated April 12, 2012, has been reviewed in accordance with Section 1-617.15 of the District of Columbia Official Code (2001 Ed.) and is hereby approved on this 10 day of July, 2013.



Vincent Gray
Mayor

APPENDIX A

Memorandum of Understanding


Between
Compensation Units 1 & 2
and
The District of Columbia
Concerning Classification and Compensation Collaborative Review

"The Parties hereby agree that in order to support the objective of rewarding a high performance workforce, a training program for all bargaining committee members shall be developed by a joint labor-management committee. The Committee will be composed of sixteen members, eight appointed by labor and eight appointed by management, and the Chief and Co-Chief negotiators of Compensation Units 1 & 2. This training program shall enhance the understanding of compensation and classification concepts and explore the appropriateness and application of high performance rewards to the District's workforce.

Furthermore, the Parties hereby agree that the District and the Unions shall commence a joint labor-management classification and compensation collaborative review of District jobs. This project shall examine the current classification and compensation systems in order to ensure that job classifications fairly represent actual work performed by District employees as well as the appropriateness of the District's current classification and compensation systems.

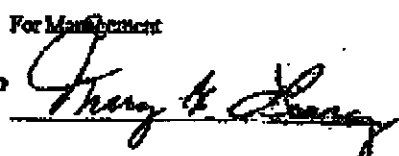
In order to support the training, classification and compensation joint labor-management initiatives, it is understood that the District shall retain the services of The Segal Company to assume the role of the lead consultant with these projects."

For Labor



David J. Schlein

For Management



January 30, 2001

APPENDIX B

**MEMORANDUM OF AGREEMENT
BETWEEN THE
DISTRICT OF COLUMBIA
AND
COMPENSATION UNITS 1 AND 2
CLASSIFICATION AND COMPENSATION REFORM TASK FORCE INITIATIVES**

Pursuant to the terms of the "Memorandum of Understanding Between Compensation - Units 1 and 2 and the District of Columbia Concerning Classification and Compensation Collaborative Review," which was incorporated as part of the Compensation Agreement between the District of Columbia Government and Compensation Units I and 2, FY 2001-FY 2003 ("Compensation Agreement"), the District of Columbia Government and the Unions in Compensation Units I and 2, established the Joint Labor-Management Classification and Compensation Reform Task Force (Joint Task Force). In addition, under the terms of the Compensation Agreement, the District Government agreed to set aside certain funding in fiscal years 2002 and 2003, which would be used by the Joint Task Force to implement initiatives designed to reform the District's compensation and classification systems.

The Compensation Agreement provides that in FY 2003 the District shall invest the equivalent of a minimum of one percent (1 %) increase in the aggregate salaries of Compensation Units 1 and 2 ("1 % Set-aside") toward classification and compensation reform. The District expended a portion of the 1 % Set-aside to implement the first significant change to the compensation system in the District by changing the pay progression of Compensation Units 1 and 2 employees, or how employees move between steps within a grade. The Joint Task Force has also agreed to begin the first classification reform project by reviewing the position classifications in each of the 9 occupational pay groups and where appropriate reclassify positions and adjust the grades and rates of pay for the reclassified positions.

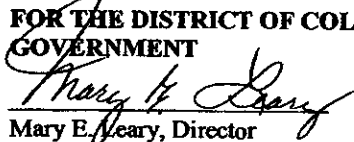
The Joint Task Force classification review will begin in August 2003, with a review of positions in the clerical/administrative occupational group and specific classification series and/or positions, which the Joint Task Force has determined, requires immediate review. The Joint Task Force has agreed that the District shall expend the unencumbered FY 2003 1% Set-aside fund balance under the terms of the Compensation Agreement, to fund increases in salaries or make other pay adjustments for employees in Compensation Units 1 and 2 who occupy positions the grade and/or the rate of pay of which is changed because of reclassification, re-grading, rate adjustment or changes in the District's classification and/or compensation policy as part of the classification reform project initiated by the Joint Task Force in FY 2003.

The Joint Task Force has agreed to apply any rate adjustment retroactively to a date in FY 2003. The retroactive date of implementation will be determined based on the number of employees affected and the unexpended balance of the 1% set-aside. That is pay adjustments will be made in affected employees' pay retroactive to the date permitted by the fund balance. Payment to employees should be made by March 31, 2004.

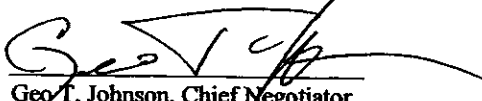
Further, the contracting parties agree that amounts hereafter designated through collective bargaining for classification and compensation collaborative review under the terms of the FY 2004 to FY2006 Compensation Units 1 and 2 Agreement, shall be accorded similar treatment for purposes of implementation. Specifically, any funds set aside in the Fiscal Years 2004, 2005 or 2006 shall be available for expenditure in that fiscal year or any other fiscal year covered by the Compensation Unit 1 and 2 agreement. Provided however, that all funds set aside for compensation and classification reform shall be expended or obligated prior to the expiration of the Compensation Units 1 and 2 Agreement for FY2004 – FY2006.

AGREED, this 26th day of August, 2003.

**FOR THE DISTRICT OF COLUMBIA
GOVERNMENT**


Mary E. Neary, Director
Office of Labor Relations
and Collective Bargaining

FOR COMPENSATION UNITS 1 & 2


Geo. T. Johnson, Chief Negotiator
Compensation Units 1 and 2

Memorandum of Understanding
Between
Compensation Units 1 and 2 and the District of Columbia

*Union Proposal
2/1/06*

The "Memorandum of Understanding between Compensation Units 1 and 2 and the District of Columbia Concerning Classification and Compensation Collaborative Review" was initially incorporated as part of the Compensation Agreement between the District of Columbia Government and Compensation Units 1 and 2 covering fiscal years 2001 through 2003.

Pursuant to the terms of this MOU, the joint Labor Management Classification and Compensation Reform Task Force (LMCCRTF) shall:

1. Effective March 1, 2006, this joint labor management committee established pursuant to the terms of the Compensation Units 1 and 2 collective bargaining agreements (the LMCCRTF) shall be administered under the District's Office of Labor Relations and Collective Bargaining (OLRCB);
2. The LMCCRTF shall have eight (8) voting representatives from labor including representatives from each national labor union comprising Compensation Units 1 and 2 and the District's OLRCB shall appoint an equal number of management representatives;
3. Outside consultants and other subject matter experts are not members of the LMCCRTF and shall not have voting rights in the LMCCRTF. However, such persons may be invited to attend said meetings only when they are presenting information relevant to the task;
4. The funds from the LMCCRTF for fiscal years FY 2004 through FY 2006 shall be used to implement the new pay schedules the last pay period of September 2006, which are attached as Appendices A(1) through A(8) to management's proposals for base wage increases for the contract beginning October 1, 2006.

*med
2/1/06
G.T.S.
2/1/06*

MODEL TIME STANDARDS

for

STATE APPELLATE COURTS



Conference of
CHIEF JUSTICES



MODEL TIME STANDARDS

for

STATE APPELLATE COURTS

August 2014

A joint project of the Court Management Committee of the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA), in conjunction with participation from the Conference of Chief Judges of the State Courts of Appeal (CCJSCA), the National Conference of Appellate Court Clerks (NCACC) and the American Bar Association (ABA).

PROJECT COMMITTEE

Hon. Linda S. Dalianis, Chief Justice, New Hampshire Supreme Court, co-chair

Hon. Roger S. Burdick, Chief Justice, Idaho Supreme Court, co-chair

Hon. Ann A. Scott Timmer, Justice, Arizona Supreme Court

Hon. William B. Murphy, Chief Judge, Michigan Court of Appeals

Frank Broccolina, State Court Administrator of Maryland (Retired)

David Slayton, State Court Administrator of Texas

Christie S. Cameron Roeder, Clerk of the North Carolina Supreme Court

Joseph Lane, Chief Executive Officer, California Court of Appeal-2nd Appellate District

Tillman J. Breckenridge, Reed Smith LLP, Washington, D.C.

John J. Bursch,, Grand Rapids, MI; formerly State of Michigan Solicitor General

PROJECT STAFF

John P. Doerner, Principal Court Management Consultant, National Center for State Courts

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Executive Summary

Time to disposition standards have existed in varying forms in a number of jurisdictions since the mid-twentieth century. The American Bar Association (ABA) played a leading role in these efforts by establishing speedy trial standards for criminal cases in the 1960s and time standards for other case types in the 1970s. These standards were revised in 1984 and again in 1992. The ABA also recommended time standards for state supreme courts and intermediate appellate courts in the *Standards Relating to Appellate Courts*¹ originally published in 1977 and amended in 1987 and again in 1994. A small number of appellate courts adopted the ABA developed standards and a few others adjusted them for their own internal aspirational guidelines, but overall, the standards were widely seen as unattainable.

This current project came about through the efforts of the Joint Court Management Committee of the Conference of Chief Justices (CCJ) and Conference of State Court Administrators (COSCA). Funding was provided by the State Justice Institute (SJI) and project committee participants included members of CCJ and COSCA, as

¹ *Standards of Judicial Administration, Volume III; The Standards Relating to Appellate Courts, 1994 Edition, Copyright © 1977, 1995 American Bar Association*

well as the Council of Chief Judges of the State Courts of Appeal (CCJSCA), the National Conference of Appellate Court Clerks (NCACC) and the ABA.

As the first phase of this effort, the project committee conducted preliminary research to ascertain which state appellate courts currently have time standards in place. Subsequent to that research, the committee developed and distributed surveys to all state and U.S. territory appellate courts, based on whether those courts had time standards in place.

These model time standards are designed to allow state appellate courts to adopt them as presented in this document, or to modify them to establish time standards based on their own particular circumstances. Modifying the model standards to local circumstances will create variation from one state to the next, making interstate comparisons less meaningful. However, the process of adjusting time standards to local conditions is necessary for realistic implementation of the standards throughout a nation of diverse courts. Consequently, any substantial deviations from the model time standards should be based on the requirements for doing justice in an individual state and not merely on disagreement with the concept of a national time standard. States with multiple intermediate appellate courts having the same case type jurisdiction

should agree upon and adopt a common set of time standards.

Use of the term “standards” does not imply that the model times presented in this document are intended to serve as overarching requirements that all state appellate courts would be expected to achieve. Many factors impact an individual court’s ability to decide cases in accordance with any established timeline. The model standards should not be seen as a single national standard that should be imposed upon the appellate courts. Achievement of the standards presumes that appellate courts are adequately staffed and funded and that courts are utilizing their available resources effectively. At present, the model time standards presented in this document are likely to be fully achievable in a modest number of appellate courts, partially achievable in most others, and unattainable in the remainder. However, simply because an appellate court is not presently in a position to achieve these model time standards is not to say that they are without value. Use of these model time standards can provide appellate courts with a set of aspirational goals, inform legislatures in providing sufficient funding to enable courts to achieve those goals, and guide future revisions of applicable court rules and operating procedures that can have an impact on how long appellate courts take to resolve the cases before them.

Ideally, these model appellate court time standards will provide the courts with the information and impetus to implement their own time standards or reexamine their previously established time to disposition goals. Such efforts should be undertaken in accordance with Section VII of this document and be led by the chief justice of the COLR and the chief judge of the IAC who are in the best position to understand the effects of implementing the standards, including necessary procedural changes and resource requirements.

Common values among state appellate courts include accountability, efficiency and timeliness, productivity and quality. These values, in conjunction with the responsibilities of all appellate courts, form a foundation upon which time standards can be established. In an era of limited funding for state courts, it is increasingly important to demonstrate how well courts are operating relative to achieving their mission and goals, and accountability for their use of public resources. The timely resolution of cases is probably the most widely accepted objective measure of court operations. In addition, the appellate courts, as leaders within the Judicial Branch, are expected to lead by example. Institutional accountability of the Judicial Branch can be undermined when leadership does not demonstrate a willingness to establish time-based goals for the resolution of appellate cases. When an appellate court establishes time standards for itself, it is making a commitment toward

ensuring efficiency and timeliness in the resolution of appellate cases. This commitment is enhanced by the regular measurement of actual case resolution times with comparisons to the time standards. Publishing the actual results of a comparison between actual time to resolution and the time standards also demonstrates organizational accountability. Releasing this information may sometimes require an appellate court to acknowledge or explain a result that falls below the established standard and, if appropriate, make efforts to address the cause. However, when managed effectively, the response to such a temporary distress can build the court's credibility and engender public trust and confidence.

It must be acknowledged, that appellate courts need adequate funding and staffing to effectively fulfill their constitutional and statutory duties. This includes an appropriate number of judges to hear and decide cases in accordance with the adopted time standards. The inability of an appellate court to achieve its time standards can be an indicator that the court has an insufficient number of judges or judicial staff (law clerks and staff attorneys). However, to justify a request for more judges or staff, judicial leaders must first be able to demonstrate that they have examined all of the other potential reasons for the court's lack of timeliness.

The judicial leaders should be able to demonstrate that they have thoroughly

evaluated whether they are making the best use of their available staff, that court procedures are simple, clear and streamlined, and that they are efficiently using their equipment and technology before requesting additional resources to reduce a backlog or maintain timeliness. It may also be appropriate to conduct a workload study, estimating the average amount of time that is devoted to each type of case in order to identify the number of judges and staff members needed in providing quality and timely resolutions of the number and type of cases in the court.

Model Time Standards for State Appellate Courts

In developing this model, the project committee reviewed survey responses and actual filing to disposition data on civil and criminal appeals from a wide variety of appellate courts across the country. Based on this research and the broad experience of the committee members in litigating, processing, reviewing and deciding appellate cases, the committee designed a model which includes time standards for both reviews by permission and appeals by right in the civil and criminal case categories. This model provides reasonably achievable times to disposition for both intermediate appellate courts and courts of last resort.

These model time standards, which are generally applicable to all state appellate courts, provide a sufficient challenge for the courts to aspire to in improving their time

to disposition, yet should also be viewed as reasonable by the courts themselves. They are currently expected to be at least partially achievable by about one-third of the state appellate courts and represent a challenge that all appellate courts should strive to attain.

The model provides discrete sets of time standards for both courts of last resort and intermediate appellate courts. The review by permission and appeal by right categories are structured to coincide with the State Court Guide to Statistical Reporting.² A review by permission is one that the appellate court can choose to review while an appeal by right is a case that the appellate court must review. Each state determines the particular aspects of the mandatory and discretionary jurisdictions of their appellate courts, which may be set by constitution, statute, or court rule.

Within each of the general appellate case type categories (review by permission, review granted and appeal by right), the model includes separate time standards for civil and criminal cases (excluding death penalty). Depending upon a particular court's jurisdiction, makeup of caseload, and procedural distinctions, it may also be

helpful to supplement the model time standards with additional case types such as juvenile, death penalty, administrative agency, attorney discipline, etc.

² *State Court Guide to Statistical Reporting*, Conference of State Court Administrators and the National Center

for State Courts, Williamsburg, VA.

<http://www.courtstatistics.org/~media/Microsites/Files/CSP/DATA%20PDF/CSP%20StatisticsGuide%20v1%203.ashx>

MODEL APPELLATE TIME STANDARDS IN DAYS						
Court	Case Types		Starting Event	Ending Event	Time Standards	
					75%	95%
COLR	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	150	180
		Criminal	Filing Initial Document	Grant/Deny Decision	150	180
	Review Granted	Civil	Grant/Deny Decision	Disposition	180	240
		Criminal	Grant/Deny Decision	Disposition	180	240
	Appeal By Right	Civil	Filing Initial Document	Disposition	270	390
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	180	330
IAC & single level COLRs	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	150	180
		Criminal	Filing Initial Document	Grant/Deny Decision	150	180
	Review Granted	Civil	Grant/Deny Decision	Disposition	240	270
		Criminal	Grant/Deny Decision	Disposition	300	420
	Appeal By Right	Civil	Filing Initial Document	Disposition	390	450
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	450	600

Appellate courts establishing time standards should include the following recommended practices;

- Time should begin to run at the occurrence of the case initiating event, typically filing of a notice of appeal or petition for review.
- Time should also be measured within discrete interim stages of the case which can help to identify any causes of undue delay.

- The results of measurements of time to disposition, relative to the established standards, should be published periodically. This can build accountability and credibility with the public.

This document also includes a suggested outline of activities that can be used as a guide in establishing time to disposition standards and implementing a program of time measurement. To be most successful,

such efforts must be championed by the chief justice of the court of last resort and/or chief judge of the intermediate appellate court. These individuals can provide the leadership and credibility that such a project requires among the bench, court staff, external stakeholders and the public.

I. Introduction

The establishment of time to disposition standards is not a new development in the state courts. Such standards have existed in varying forms in a number of jurisdictions since the mid-twentieth century. The American Bar Association (ABA) played a leading role in these efforts by establishing speedy trial standards for criminal cases in the 1960s and time standards for other case types in the 1970s. These standards were revised in 1984 and again in 1992. The Conference of State Court Administrators (COSCA) promulgated its own set of national time standards in 1983. These were revised and updated in 2011³ through a joint effort of COSCA, the Conference of Chief Justices (CCJ), and the National Association for Court Management (NACM) and the National Center for State Courts (NCSC).

The ABA also recommended time standards for state supreme courts (also referred to as courts of last resort) and intermediate appellate courts in the *Standards Relating to Appellate Courts*⁴ originally published in 1977. The *Standards* were amended in 1987 and again in 1994. A small number of appellate courts adopted the ABA developed standards and a few others adjusted them for their own internal aspirational guidelines, but overall, the standards were widely seen as unattainable and did not gain much traction. In recent years, further efforts toward developing and implementing time to disposition standards have taken place at the trial court level with only a relatively modest focus on the appellate courts.

It has now become a common refrain among many trial court judges and managers that their courts are required to manage toward a set of time to disposition goals or standards, often imposed by the state supreme court, but that most appellate courts do not have such requirements. While it is correct that a good number of appellate courts have not established such time standards, some of them have, and more are currently considering adopting them.

It should be noted that a variety of phrases are used by the courts to describe their established time to disposition goals. Some use the common term “time standards” while others refer to “time processing guidelines” or “time reference points.” These varying phrases are often used to denote that the related time frames describe aspirational goals and to avoid a perception that those cases exceeding the time frames may not be receiving appropriate attention from the court. For simplicity, we will use the common term “time standards” throughout this document to identify time frames or goals related to the resolution of appellate cases.

³ *Model Time Standards for State Trial Courts*, National Center for State Courts, Williamsburg, VA, (2011)

⁴ *Standards of Judicial Administration, Volume III; The Standards Relating to Appellate Courts, 1994 Edition*, Copyright © 1977, 1995 American Bar Association

This project came about through the efforts of CCJ and COSCA. At the request of those organizations' Joint Court Management Committee, NCSC sought and obtained grant funding from the State Justice Institute (SJI) and recruited project committee participants from CCJ and COSCA, as well as the Council of Chief Judges of the State Courts of Appeal (CCJSCA), the National Conference of Appellate Court Clerks (NCACC) and the ABA.

Although most appellate courts are subject to various rules or statutory directives specifying that certain case types should receive priority in docketing and scheduling, these directives frequently do not include a quantifiable time period during which such cases should be decided. Cases involving child custody, civil cases with particular election-related issues and appeals of certain types of decisions by administrative agencies are examples of the types of cases

Most appellate courts now expedite, or "fast track" such designated cases; however, the rules and statutes often do not provide for specific time-related goals for deciding such cases.

that are typically affected by such requirements. In the 2000s, the federally funded Court Improvement Program (CIP), encouraged courts at all levels to expedite cases involving foster care and permanent placements of children. Some states developed appellate rules with reduced time periods for filing a notice of appeal, preparing the trial court record and transcripts, and submitting briefs in appeals involving the termination of parental rights and child placement issues. Most appellate courts now expedite, or "fast track" such designated cases; however, the rules and statutes often do not provide for specific time-related goals for deciding such cases. However, this project focuses on "primary" time standards which are applicable to the general caseload of the court through issuance of a dispositional order or decision, rather than the "specially expedited" time requirements which apply only to certain case types or particular issues or circumstances.

As the first phase of this effort, the project committee conducted preliminary research to ascertain which state appellate courts currently have time standards in place. Subsequent to that research, the committee developed and distributed surveys to all state and U.S. territory appellate courts, based on whether those courts had time standards in place. Among those states with multiple appellate districts or circuits, separate surveys were distributed to each individual court.

The goals of this project are 1) to develop a set of model time standards for both state intermediate appellate courts (IAC) and state supreme courts or courts of last resort (COLR); and 2) to discuss the impact that time to disposition goals have had on the courts that have individually developed and adopted them.

The model time standards are designed to allow appellate courts throughout the United States to adopt them as presented in this document, or to modify the model standards and establish time standards based on their own particular circumstances. Modifying the model standards to local circumstances will create variation from one state to the next, making interstate comparisons less meaningful. However, the process of adjusting time standards to local conditions is necessary for realistic implementation of the standards throughout a nation of diverse courts. Consequently, any substantial deviations from the model time standards should be based on the requirements for doing justice in an individual state and not merely on disagreement with the concept of a national time standard. States with multiple intermediate appellate courts having the same case type jurisdiction should agree upon and adopt a common set of time standards.

Use of the term “standards” does not imply that the model times presented in this document are intended to serve as overarching requirements that all state appellate courts would be expected to achieve. Many factors impact an individual court’s ability to decide cases in accordance with any established timeline. It is imperative that this document not be seen as a single national standard that should be imposed upon the appellate courts. Achievement of the standards proposed here presumes that appellate courts are adequately staffed and funded, which is not the case in many states, and that courts are utilizing their available resources effectively. At present, the model time standards presented in this document are likely to be fully achievable in a modest number of appellate courts, partially achievable in most others, and unattainable in the remainder. However, simply because an appellate court is not presently in a position to achieve these model time standards is not to say that they are without value. Use of these model time standards can provide appellate courts with a set of aspirational goals, inform legislatures in providing sufficient funding to enable courts to achieve those goals, and guide future revisions of applicable court rules and operating procedures that can have an impact on how long appellate courts take to resolve the cases before them.

Ideally, these model appellate court time standards will provide the courts with the information and impetus to implement their own time standards or reexamine their previously established time to disposition goals. Such efforts should be undertaken in accordance with Section VII of this document and be led by the chief justice of the COLR and the chief judge of the IAC who are in the best position to understand the effects of implementing the standards, including necessary procedural changes and resource requirements.

II. Why Should Appellate Courts Establish Time Standards?

“Time standards should be used as an administrative goal to assist in achieving caseflow management that is efficient, productive, and produces quality results.”⁵

Appellate courts, both as public institutions and as leaders within the judicial branch, are accountable to the litigants and the public at large for achieving the goals of productivity and efficiency while maintaining the highest quality in resolving cases before them. These goals help to shape many of the values held by appellate courts. A white paper⁶ published by the CCJSCA and the NCSC identified a set of “shared values” common to many intermediate appellate courts. These include:

- Adopting effective internal management and operational structures that maximize public resources;
- Implementing case management processes that promote the timely and efficient disposition of cases;
- Promoting public awareness about the judicial system and avenues for access to the courts;
- Maintaining judicial integrity by promoting transparency regarding court processes; and
- Producing high quality work product in the form of well-reasoned, clearly written decisions that respond to the issues before the court.

COLRs would likely express similar concepts as values that the highest state courts have in common with the intermediate appellate courts. These shared values clearly express the concepts of accountability, efficiency and timeliness, productivity, and quality. These values, in conjunction with the responsibilities of all appellate courts, serve to form a foundation upon which time standards can be established.

In an era of limited funding for state courts, it is increasingly important to demonstrate how well courts are operating relative to achieving their mission and goals, and accountability for their use of public resources. The timely resolution of cases is probably the most widely accepted objective measure of court operations and is also, fairly or otherwise, a primary concern of the other branches of government and the public regarding the courts. In fact, the

⁵ *Standards Relating to Appellate Courts*, at §3.52 (a).

⁶ Doerner, J. and Markman, C., *“The Role of Intermediate Appellate Courts: Principles for Adapting to Change”*; Council of Chief Judges of the State Courts of Appeal and National Center for State Courts, Williamsburg, VA, (2012): p. 6

timely resolution of cases in court is a key element used by businesses considering whether to relocate to another state or remain in their current location.⁷ Cases in the appellate courts are no exception to the focus on timely resolution. Former Chief Judge Lawrence Winthrop of the Arizona Court of Appeals, Division 1, says *“Annual reporting of performance against our case resolution reference points is critical to our dealings with the legislature and in showing businesses how well the courts are operating in Arizona.”*

In addition, the appellate courts, as leaders within the Judicial Branch, are expected to lead by example. Institutional accountability of the Judicial Branch can be undermined when the leadership does not demonstrate its willingness to establish time-based goals for the resolution of appellate cases. Both the Minnesota Supreme Court and Court of Appeals have established time standards and publicly report their performance annually to the Minnesota Judicial Council. Honorable Lorie Gildea, Chief Justice of the Minnesota Supreme Court, puts it this way, *“We need to study our results against our time standards and report them to the Judicial Council to model accountability to the trial courts. This also puts the Judicial Branch on a stronger footing with the state legislature and citizens in terms of accountability and transparency.”*

Data has not been collected demonstrating conclusively that appellate courts with time standards necessarily resolve cases more quickly than those without time standards. However, it is self-evident that when an appellate court establishes time standards for itself, it is also making a commitment toward ensuring efficiency and timeliness in the resolution of appellate cases. This commitment is enhanced by the regular measurement of actual case resolution times with comparisons to the time standards. The court’s evaluation of such comparisons can often provide insight into the factors that may inordinately contribute to the amount of time cases take to resolve. This is particularly true when the standards and measurement process account for distinctive case types as well as specified interim stages of an appellate case. If insufficient resources are a contributing factor, measuring the achievement of

... it is self-evident that when an appellate court establishes time standards for itself, it is also making a commitment toward ensuring efficiency and timeliness in the resolution of appellate cases.

⁷ 2012 Legal Climate Overall Rankings by State; U.S. Chamber Institute for Legal Reform, Washington D.C. In this study, 1,125 general counsel/senior litigators were asked, “How likely would you say it is that the litigation environment in a state could affect an important business decision at your company such as where to locate or do business?” 70% of respondents said “somewhat likely” or “very likely.” “Slow process/Delays” was the second most frequently mentioned issue (tied with “Corrupt/Unfair system”) in creating the least fair and reasonable litigation environment.

established time standards can serve as a critical foundation for building evidence-based requests for additional resources.

In addition to strengthening an appellate court's commitment to the timely and efficient resolution of cases, publishing the actual results of a comparison between actual time to resolution and the time standards also demonstrates organizational accountability and a dedication to leading the Judicial Branch by example. Releasing this information may sometimes require an appellate court to acknowledge or explain a result that falls below the established standard and, if appropriate, make efforts to address the cause. However, when managed effectively, the response to such a temporary distress can build the court's credibility and engender public trust and confidence.

III. Selected Survey Results

Surveys were distributed in November 2012 and responses were collected over the next several months, resulting in good response rates from both IACs and COLRs. Because some information regarding time standards was known before distributing the surveys, different versions were provided to those courts with known information and those for which time standard information was not known. Copies of the surveys are included in Appendix A.

A brief summary of the survey responses follows -

A. Response Rate:

	Respondents	Maximum	Response Rate
Intermediate Appellate Courts (IAC)	71	87	82%
Courts of Last Resort (COLR)	40	56	71%
Total	111	143	78%

B. Establishment of Primary Time Standards:

	Respondents	Yes	Percentage
Intermediate Appellate Courts (IAC)	71	35	49%
Courts of Last Resort (COLR)	40	12	30%
Total	111	47	42%

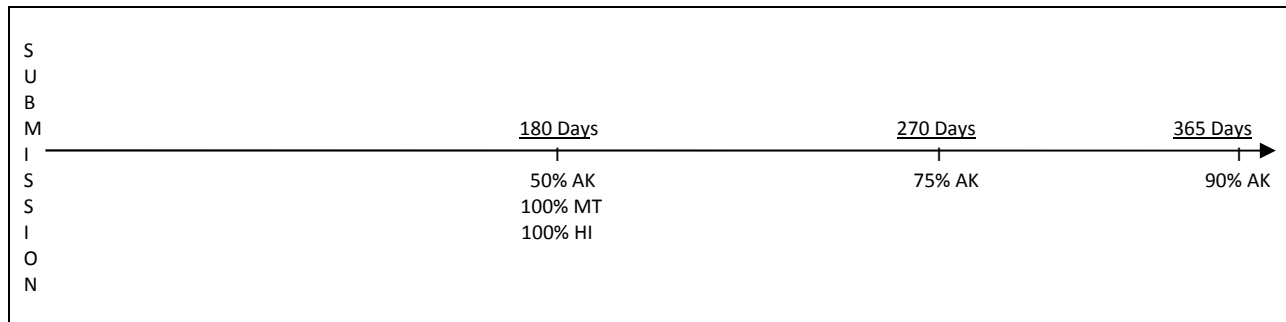
C. Variation of Established Appellate Time Standards:

Among the responding courts, both IACs and COLRs, that have established standards, most include a percentage with a time limit; i.e. 75% of cases should be resolved within 270 days. Some courts apply the percentage and time limit standards to their entire caseload while several others vary the percentage and time limit standards based on case type.

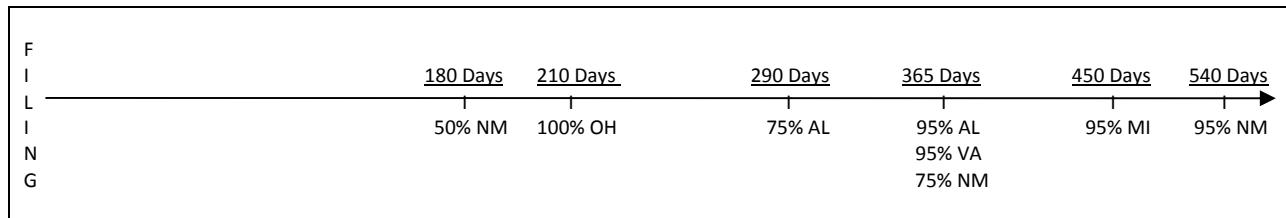
D. Example Time Standards

The length of time stated in the appellate courts' existing time to disposition standards also varied widely. The following examples demonstrate the variation in standards applicable to the general caseload (measured from either filing or submission to resolution).

Courts of Last Resort



Intermediate Appellate Courts



Established time standards sometimes also include interim times to various significant milestone events such as filing of the appeal to filing of the record, close of briefing to oral argument or submission of the case, etc. Some courts reported establishing internal standards applicable only to a particular phase of the case, usually from case assignment to circulation of a draft opinion. Such standards are useful case management tools but do not encompass the full life of the case and time to disposition.

E. Starting Point for Counting Time:

There were also substantial differences reported in the point at which the time starts being counted, as illustrated in the table below.

	Filing NOA or comparable document	Filing or Lodging the Record	Close of Briefing	Oral Argument/ Submission
IACs	21	3	1	10
COLRs	3	1	1	7

F. Process Used to Establish Time Standards

Among those responding courts with time standards, the state Supreme Courts have generally been the driving force behind their establishment. Among IACs, eleven reported that the standards were established by order or rule of the Supreme Court, six reported that the time standards were developed internally (one with Supreme Court prompting), and fourteen worked with the Supreme Court and a task force to develop time standards, some of which were in conjunction with implementing portions of the Appellate CourTools.⁸ One responding IAC indicated that the standards were statutorily imposed and another did not know what the process was since the time standards have been in place for many years and all involved parties have since left the court.

Among COLRs, nine established standards by their own rule or order, two reportedly were by statute, one formed a task force in conjunction with implementing the Appellate CourTools and one did not know the process used to establish its time standards.

G. Case Stages Contributing to Delay

The responding courts were also asked to identify particular stages in an appeal that inordinately contribute to delay by making selections from a list. Respondents were allowed to select multiple items and a total of 198 individual selections were made. When "Other" was selected, the reason for delay was variously described as: "court-appointed attorney process,"

⁸ The Appellate CourTools, designed by the NCSC, is a set of six metrics that can be used by any appellate court to measure its performance. The Appellate CourTools is available at: <http://www.courttools.org/>

“self-represented litigants,” and “substitution of counsel.” Not all respondents explained their selection of “other” as contributing to delay.

Case Stage	Selections	% of Total
Filing of the Record	38	19%
Transcript Preparation	55	28%
Briefing	44	22%
Setting Argument or Assignment	8	4%
Opinion Preparation	19	10%
Other:	23	12%
None	11	6%
Total	198	100.00%

H. Additional Results

Among the forty-two responding courts with established time standards:

- 92% reported that the established time standards are appropriately set
- 85% reported that the court routinely meets the established standards
- 75% reported that the court regularly reviews the time standards
- 98% regularly prepare a report, of which 81% include time between various milestones or events (although fewer actually include those events in their standards)
- 54% prepare some type of external report on court performance relative to time standards

IV. Analyzing Actual Time to Disposition Data

In addition to the survey responses, the project committee reviewed data from two major studies studying civil and criminal appeals in the state courts. Civil appeals data was obtained through the 2005 Civil Justice Survey of State Courts, which tracked 26,950 general civil (i.e., tort, contract, and real property) cases that were disposed by bench or jury trials in 156 participating counties. Subsequently, 3,970 of those cases were appealed to eighty-four appellate courts in thirty-five states.⁹ Criminal appeals data includes 2,978 appeals concluded in calendar year 2010 from one hundred forty three appellate courts (IACs and COLRs) in all fifty states and the District of Columbia. As part of each study, the collected data was compiled with the actual time between various events within the appeal process and from filing to disposition being calculated for each participating court.

These data showed:

Civil Appeals Data				
	Time to Disposition	Times for Interim Events (in Days)		
		Case Filing to Transcript	Transcript to Close of Briefing	Submission to Disposition
IACs				
75% of Cases	452	149	198	187
95% of Cases	546	201	249	269
COLRs				
75% of Cases	422	91	191	215
95% of Cases	Not available	Not available	Not available	Not available
Criminal Appeals Data				
	Time to Disposition	Times for Interim Events (in Days)		
		Case Filing to Transcript	Transcript to Close of Briefing	Submission to Disposition
IACs				
75% of Cases	521	164	152	177
95% of Cases	818	456	314	298
COLRs				
75% of Cases	204	80	194	175
95% of Cases	571	305	391	331

⁹ This data collection examined civil bench and jury trials concluded in state trial courts in 2005 that were appealed to an intermediate appellate court or court of last resort. The Bureau of Justice Statistics' (BJS) Civil Justice Survey of Trials on Appeal (CJSTA) included information from those civil trials concluded in 2005 and tracked the subsequent appeals from 2005 through March 2010.

V. Structure of Appellate Time Standards

Time standards currently in use by appellate courts around the country vary significantly, not only in the time lengths established, but also in their form. Some courts have simply established an overall time standard that is generally applicable to all types of cases in the court. For example, “all cases should be decided within 270 days.” This form of standard sometimes includes a percentage, such as 75% or 90%, of cases that should be resolved within the indicated length of time. The ABA Overall Time Standards, as amended in 1994, are an example of this form. Those standards, measured from the date of initial filing, are listed in Table 1 below:

Table 1 - ABA Overall Appellate Time Standards					
Court Type	50th Percentile	75th Percentile	90th Percentile	95th Percentile	100%
COLR ¹⁰	290 Days		365 Days		As expeditiously as possible
IAC ¹¹		290 Days		365 Days	

Other courts have established standards with different time lengths for different case types. The time reference point standards for the Arizona Court of Appeals, for example, state that 75% of general civil cases should be resolved within 400 days and that 75% of criminal cases should be resolved within 375 days from the date of filing in the appellate court.

In addition, some appellate courts include interim time standards for the various administrative and attorney or judge driven stages of an appellate case, along with an overall standard for the total time to disposition. The common stages for which time standards are developed include:

- Filing of the notice of appeal or other originating document to the filing of the trial court record (additionally, there may be a discrete time standard pertaining to filing the transcript, depending on applicable procedures)
- Filing of the trial court record to close of briefing or ‘at issue’ date
- Close of briefing to oral argument or submission on the briefs
- Oral argument or submission to issuance of a decision

¹⁰ ABA time standards for courts of last resort are based upon the number of days from the filing of the petition for certiorari or the notice of appeal.

¹¹ ABA time standards for intermediate courts of appeal are based upon the number of days from the filing of the notice of appeal.

These discrete stages in the life cycle of an appeal or certiorari proceeding are also patterned similarly to the ABA standards which are listed in Table 2 below:

Table 2 - ABA Appellate Time Standards for Discrete Stages of an Appeal			
	Administrative Functions	Attorney Functions	Judicial Functions
Record	30 days from filing Notice of Appeal		
Transcript	30 days from filing Notice of Appeal		
Appellant's Brief		50 days from filing record & transcript	
Appellee's Brief		50 days from receipt appellant's brief	
Reply Brief		10 days from receipt appellee's brief	
Oral Argument			55 days from filing appellee's brief
Submission on Briefs			35 days from filing appellee's brief
Opinion Preparation (most cases)			55 days from oral argument or case assignment
Opinion Preparation (Death Penalty & cases of extraordinary complexity)			90 days from oral argument or case assignment
Voting on Circulating Draft Opinions			20 (COLR)/15 (IAC) days from receipt of draft opinion
File Dissenting Opinions			30 days from receipt of draft opinion
Memorandum Opinions			30 days from oral argument or case assignment

Establishing specific time standards for various case types and interim time standards within each of those case types provides court leadership with a wide range of objective data that can be used to focus in on the discrete stages that might consume more time than expected. This, in turn, enables the court to develop targeted strategies for improvement within specific stages to ensure the timely resolution of appellate cases.

As a part of establishing any overall time standards, a critical decision must be made with respect to when to start counting appellate case processing time. Based on the survey responses from those appellate courts that have adopted time standards, there are currently four distinct points at which those courts begin counting the time to disposition. Each of these four starting points was reported by both intermediate courts and courts of last resort:

- Date of filing the notice of appeal or other initiating document;
- Date of lodging the trial court record;
- Date of the close of briefing; and
- Date of oral argument or, if no argument, submission to the court.

Those courts with time standards that begin counting at lodging of the record, close of briefing or submission of the case, commonly consider the time period from initiation of the appellate proceeding to one of those latter stages to be outside the court's control. For example, the clerk of the trial court and one or more court reporters are responsible for the preparation and filing of

... the primary responsibility for case management and efficient processing of appeals must reside with the appellate court.

the record and the transcripts, counsel for the various parties to the appeal are responsible for filing their respective briefs, and appellate court control begins after one of those particular events. While it is true that significant responsibility for the completion of the record, transcript and briefs is assigned to persons outside of the appellate court, it is also evident that the primary responsibility for case management and efficient processing of appeals must reside with the appellate court. According to the ABA, the first and most important contributing factor to appellate delay “... is that an appellate court has exercised inadequate supervision of the movement of cases coming before it. Only the appellate court itself can provide such supervision.”¹² Neither the trial court nor counsel for the litigants is in a position to reliably give the necessary attention to appellate case management as the appellate court itself is.

¹² *Standards Relating to Appellate Courts* at page 89.

As a matter of fact, one of the most persistent factors contributing to lengthy times to disposition in appellate courts is the preparation of the trial transcripts. Many jurisdictions are now contending with a shortage of qualified court reporters whose principal duty is to make verbatim notes of the trial court proceedings. Preparation of appellate transcripts is often relegated by the court reporter to weekend and evening hours. In addition, heavy workloads in the offices of the appellate defender and the attorney general or appellate prosecutor are common in many states and are perceived to be a primary contributing factor to delays in briefing. When asked in the recent survey to identify whether particular stages of an appellate case contributed inordinately to delay in appellate cases, the most frequently selected were; transcript preparation (28%), briefing (22%) and filing the record (19%). (See Section II) These factors must be addressed in order to alleviate their impact on appellate court delay. In response, a number of state court systems have expanded the use of real-time reporting and digital audio recording of trial court proceedings, reducing the overall average time for transcript production. Appellate courts have also initiated discussions and worked in conjunction with their appellate defenders and attorneys general to improve case management procedures and reduce the overall length of briefing time in criminal cases.

VI. Minimum Recommended Features of Appellate Court Time Standards

There are several beneficial features pertaining to the implementation and use of time standards in appellate courts that the project committee recommends as best practices. Including these features enables the appellate court to effectively monitor its actual appellate processing time on an ongoing basis and also ensures that the court is accountable for its performance.

These recommended best practices are:

The minimum recommended features of Appellate Court Time Standards are:

- *Run from the case initiating event.*
- *Measure discrete interim stages.*
- *Publish the results.*

A. Time Standards Should Run from the Case Initiating Event

Data over the full range of the life of a case is necessary for the appellate court and others to fully understand the amount of time it takes for cases to be resolved, what the contributing factors are to that amount of time, and whether specific procedural changes might be effective in resolving appeals more quickly. To obtain such data, appellate court time standards should start counting time at the earliest event, typically the filing of the notice of appeal, petition for review, or other comparable case initiating document¹³. This approach accounts for the entire life of an appellate proceeding and avoids the perception that the appellate court is not taking steps to manage the early stages of the case. It also corresponds with the public's perspective of when a case is considered to be on appeal. In order to provide accurate information however, time must not be included when a case is stayed due to bankruptcy proceedings, remand to the trial court, etc.

B. Measure Time Within Discrete Interim Stages

Measuring the actual time within the interim stages of an appellate case helps to pinpoint the causes of excessive delay so that the court can target its resources and improvement efforts most effectively. This can also provide insightful information to the court's partners

¹³ There are some appellate systems in which the notice of appeal is first filed in the trial court and forwarded to the appellate court at some later time. Ideally, the time standards should run during this period and the two courts work jointly to ensure timely forwarding of the notice of appeal. Alternatively, this period could be designated as a discrete interim stage and measured separately (see Section V. b.)

in the appellate process such as the trial courts, court reporters and counsel, highlighting how completion of their respective roles affect overall time to disposition.

The discrete interim stages should include:

By Permission Cases

- Initial Case Filing to Grant/Deny Decision

By Right Cases

- Initial Case Filing to Filing of Record/Transcript
- Filing of Record/Transcript to Close of Briefing
- Close of Briefing to Oral Argument/Submission
- Oral Argument/Submission to Disposition

C. Publish the Results of Measurements to Time Standards

Disclosing summary results of a measurement of actual time to disposition statistics with a comparison to the established time standards provides a number of benefits to the appellate court. For example, publication of such objective data fosters accountability and transparency by encouraging courts to regularly review their performance, understand and explain their results, and consider operational improvements to address any shortfalls. This enables appellate courts to lead by example within the Judicial Branch, emphasize the importance of the timely resolution of cases, and ensure an ongoing commitment to the issue. It also builds the court's credibility with the public and other branches of state government, demonstrates accountability of the judicial branch, and helps to ensure that public resources are used effectively. Such public disclosure might typically include a press release, website posting, and reporting to legislatures or other public officials. For example, the Minnesota Court of Appeals and Supreme Court report their results directly to the Judicial Council at a public meeting, and the Arizona Court of Appeals, Division One, distributes copies to all legislators.

VII. Model Time Standards for State Appellate Courts

The failure to resolve appellate cases in an appropriately expeditious timeframe undermines the ability of the appellate courts to efficiently manage their publicly provided resources, demonstrate effective leadership within the Judicial Branch and promote public confidence in the courts. State appellate courts should take the lead to ensure that they and their partners in the appellate process maintain a focus on eliminating delays while ensuring the ability to produce well-reasoned, clearly written decisions. The model time standards listed below provides appellate courts with a framework for these efforts.

A. Establishing the Model Standards

In developing this model, the Appellate Time Standards Project Committee reviewed the survey responses and the actual filing to disposition data on civil and criminal appeals from a wide variety of appellate courts across the country. Based on this research and the broad experience of the committee members in litigating, processing, reviewing and deciding appellate cases, the committee designed a model which includes time standards for both reviews by permission and appeals by right in the civil and criminal case categories. This model provides reasonably achievable times to disposition for both intermediate appellate courts and courts of last resort.

... there is a great deal; of variation in the current capacity of state appellate courts to review and decide cases expeditiously.

It was critical to the process of developing these model time standards to acknowledge that there is a great deal of variation in the capacity of state appellate courts to review and decide cases expeditiously. This may be attributable to an insufficient number of judges or court staff, the inability of trial court personnel to prepare and submit the trial record and transcripts in the allotted time, inadequate attorney positions or excessive workload in the appellate public defender and prosecutor's offices, various provisions in the appellate rules, outdated procedures, a long-standing culture within the appellate system that does not place great value on the expeditious resolution of cases, or other reasons.

Regardless of the reasons for delays, establishing time standards and measuring court performance going forward is necessary in order to identify and make progress on the issues that impact an appellate court's ability to dispose of cases timely. Only the appellate courts themselves are capable of addressing the issues and driving reduction of delay in the appellate process.

It is important that these model time standards, which are generally applicable to all state appellate courts, provide a sufficient challenge for the courts to aspire to in improving their time to disposition, yet also be viewed as reasonable by the courts themselves. A set of overly aggressive time standards would likely be disheartening to many appellate courts. These proposed model time standards currently are at least partially achievable by about one-third of the state appellate courts. They also represent a reasonable challenge that all appellate courts should strive to attain.

The model provides discrete sets of time standards for both courts of last resort and intermediate appellate courts. The model time standards recognize the fact that the time for record preparation and transcript production generally occurs during the intermediate court case. However, there are a number of states that have a single level appellate system which includes only a court of last resort and no intermediate court. As a result, these “single level COLRs” encounter the same challenges with regard to record preparation and transcript production as intermediate appellate courts. To recognize this significant difference between COLRs in single and dual level appellate systems, the committee suggests that COLRs in a single level system consider applying the COLR standards as appropriate or the IAC time standards adapted as necessary to their particular circumstances.

The review by permission and appeal by right categories are structured to coincide with the State Court Guide to Statistical Reporting.¹⁴ A review by permission is one that the appellate court can choose to review while an appeal by right is a case that the appellate court must review. Each state determines the particular aspects of the mandatory and discretionary jurisdictions of their appellate courts, which may be set by constitution, statute, or court rule.

When applying the model time standards to the review by permission case types, time begins running on the date the application, petition or comparable initiating document requesting review is filed and concludes when the decision to grant or deny the request is issued. When the decision is made to grant the request, the review granted time standards would then apply with time being counted from the date the decision to grant is issued through the disposition of the case. The review granted time standards assume that relevant portions of the lower court record and transcripts are available to the court prior to the grant/deny decision and that once review is granted these cases can proceed more quickly than a typical appeal by right.

¹⁴ *State Court Guide to Statistical Reporting*, Conference of State Court Administrators and the National Center for State Courts, Williamsburg, VA.
<http://www.courtstatistics.org/~media/Microsites/Files/CSP/DATA%20PDF/CSP%20StatisticsGuide%20v1%203.ashx>

However, this is not true in all appellate courts, which impacts whether the time period specified in the model is appropriate for a particular court.

When applying the model time standards to the appeal by right case types, time begins running when the notice of appeal or comparable initiating document is filed and concludes upon the disposition of the case, typically on the issuance of a dispositive opinion or order closing the case or a mandate returning jurisdiction to the lower court. Time stops when a case is stayed due to bankruptcy proceedings, remand to the trial court, etc. restarting once the stay is lifted.

Within each of the general appellate case type categories (review by permission, review granted and appeal by right), the model includes separate time standards for civil and criminal cases (excluding death penalty). Depending upon a particular court’s jurisdiction, makeup of caseload, and procedural distinctions, it may also be helpful to supplement the model time standards with additional case types such as juvenile, death penalty, administrative agency, attorney discipline, etc.

MODEL APPELLATE TIME STANDARDS IN NUMBER OF DAYS						
Court Type	Case Types		Starting Event	Ending Event	Time Standards	
					75%	95%
COLR	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	150	180
		Criminal	Filing Initial Document	Grant/Deny Decision	150	180
	Review Granted	Civil	Grant/Deny Decision	Disposition	180	240
		Criminal	Grant/Deny Decision	Disposition	180	240
	Appeal By Right	Civil	Filing Initial Document	Disposition	270	390
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	180	330
IAC & single level COLRs	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	150	180
		Criminal	Filing Initial Document	Grant/Deny Decision	150	180
	Review Granted	Civil	Grant/Deny Decision	Disposition	240	270
		Criminal	Grant/Deny Decision	Disposition	300	420
	Appeal By Right	Civil	Filing Initial Document	Disposition	390	450
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	450	600

As suggested throughout this document, there will be instances in which statutes, rules or other requirements necessitate individual courts to modify or adapt these model standards. Following are two actual examples of circumstances that could be addressed either by modifying the model time standards or, if appropriate, revising the underlying authority and making corresponding procedural changes.

- The Kentucky Supreme Court is constitutionally mandated to hear, as original appeals, all criminal cases in which a sentence of life imprisonment or imprisonment over twenty years has been imposed. These cases bypass the Kentucky Court of Appeals and, as a result, a significantly greater amount of time is consumed in record preparation and briefing as compared to a motion for discretionary review in which the record and transcripts have already been provided. In this type of circumstance, a COLR implementing time standards could consider establishing a separate case class designation with an appropriate amount of time, preferably not in excess of that provided in the model for IAC criminal appeals by right.
- In many permissive appeals, the Michigan Court of Appeals makes its decisions to grant or deny petitions for review without the benefit of the complete trial court record or transcripts. If review is granted by the court, the case proceeds in the normal manner and timeline as an appeal by right without any scheduling priority. In this type of circumstance, an appellate court implementing time standards could consider modifying the amount of time provided in the model with a more appropriate length, preferably not in excess of that provided in the model for IAC appeals by right.

B. Suggested Progressive Benchmarks

In addition to the model appellate time standards, the committee has suggested a set of progressive benchmarks that are not as aggressive as the model time standards, but can nevertheless provide a target that less timely appellate courts could use to measure their progress as they seek to meet the model standards. The set of progressive benchmarks also provide an opportunity for these courts to establish both short-term and long-term objectives, identify the factors affecting their ability to achieve more timely dispositions, and to achieve interim successes as they progress in their efforts to reduce overall time to disposition.

PROGRESSIVE BENCHMARKS IN NUMBER OF DAYS								
Court Type	Case Types		Starting Event	Ending Event	Progressive Benchmark – Level 1		Progressive Benchmark – Level 2	
					75%	95%	75%	95%
COLR	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	210	240	180	210
		Criminal	Filing Initial Document	Grant/Deny Decision	210	240	180	210
	Review Granted	Civil	Grant/Deny Decision	Disposition	300	360	240	300
		Criminal	Grant/Deny Decision	Disposition	240	330	210	270
	Appeal By Right	Civil	Filing Initial Document	Disposition	360	510	300	450
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	300	480	240	420
COLRs & single level COLRs	Review By Permission	Civil	Filing Initial Document	Grant/Deny Decision	210	240	180	210
		Criminal	Filing Initial Document	Grant/Deny Decision	210	240	180	210
	Review Granted	Civil	Grant/Deny Decision	Disposition	330	390	270	330
		Criminal	Grant/Deny Decision	Disposition	360	570	330	480
	Appeal By Right	Civil	Filing Initial Document	Disposition	510	600	450	570
		Criminal (exc. Death penalty)	Filing Initial Document	Disposition	540	720	510	660

The Level 1 Progressive Benchmarks indicate a minimal level of timeliness that all state appellate courts should be currently capable of achieving. It is critical that any courts currently unable to meet the Level 1 benchmarks investigate the contributing factors and develop strategies to resolve cases more expeditiously. Like the Model Time Standards, the Level 2 Progressive Benchmarks are informed by the results of the BJS civil and criminal appeals studies. The Level 2 benchmarks should currently be at least partially achievable by about half of all state appellate courts.

C. Standards for Interim Stages of an Appeal

In addition to overall model time to disposition standards, appellate courts can benefit by establishing separate time standards pertaining to the interim stages of an appeal. Such interim standards should be used internally by the appellate court for analyzing its own results. The length of time for the interim stages can vary significantly based on the allotment of time specified in each state’s appellate rules for completing certain actions. For instance, California Rule 8.212 (b) allows the parties to extend each briefing period by stipulation for up to 60 days. While such a provision may reduce the impact of numerous motions for extension of time on court workload by eliminating the need for the court to rule on such motions, it can also negatively impair the court’s ability to control briefing time. Because there are many such differences in appellate court rules among the states, the committee includes the following table as an example that appellate courts can use to establish their own standards for these interim stages. Results of measuring such interim standards would not necessarily be published in accordance with the recommended best practice in Section VI C, which focuses on the overall time to disposition.

This example is provided for four interim stages that typically occur in an appeal by right and the number of days is related to the model time standards provided above. The example days included here are considered reasonable by the committee. A court should carefully consider its own rules, procedures and practices regarding these stages of appeal and establish interim time standards appropriate to supporting its overall standards.

Example of Time Standards for Interim Stages of an Appeal - Civil Appeal By Right			
Starting Interim Event	Ending Interim Event	Example Days	
		75%	95%
Initial Filing	Filing of Record and Transcript(s)	90	120
Filing of Record and Transcript(s)	Close of Briefing	150	180
Close of Briefing	Oral Argument or Submission	60	90
Oral Argument or Submission	Issuance of Dispositional Order or Opinion	90	120

VIII. Implementing Appellate Court Time Standards

Time standards provide reference points for measuring court performance and management effectiveness, serving as benchmarks to determine whether appellate proceedings are being resolved at a reasonable and acceptable pace. However, simply adopting a set of time standards is not sufficient to ensure that appeals will be decided expeditiously. A number of additional management components of effective court administration should also be in place. First and foremost

... simply adopting a set of time standards is not sufficient ... additional management components of effective court administration should also be in place.

is a strong commitment on the part of the Chief Justice. Following is an outline that provides a general guide to the steps that an appellate court should consider when undertaking an effort to establish time standards and some additional discussion addressing the implementation process.

A. Outline for Establishing Appellate Court Time Standards

1. The Chief Justice of the court of last resort, with the support of the Chief Judge of the intermediate appellate court if applicable, and the State Court Administrator, would take a leadership role and identify the establishment of appellate court time standards as a priority within the Judicial Branch. This would include shepherding the time standards through their initial analysis, development, review and final adoption. This can set the tone for the process with all businesses partners and inter-related departments or groups that the appellate courts work with. This phase is likely to require multiple meetings and discussions to obtain buy-in from justices and judges in the appellate courts and officials with appellate system partners.
2. Establish an internal committee or working group to guide the process. This body should include several justices/judges from the COLR and the IAC, the clerks of each court and other key staff members as appropriate. Particular areas for the working group to explore are:
 - Analyze the current time frames in which appellate cases are being decided for both civil and criminal cases and other case types as desired.

This could provide a baseline for determining the courts' actual times relative to the model standards.

- Evaluate any causes of delay at each stage of an appellate case.
 - Review the appellate rules, applicable statutes and the appellate courts' internal operating procedures to identify any provisions that might result in unnecessarily long time requirements by limiting time-saving options such as the use of electronic records and transcripts, creating difficult scheduling or cumbersome workflows perhaps in opinion review and circulation procedures, etc. Develop feasible solutions and draft proposed new rules, statutes or procedures.
3. Broaden the effort by involving business partner representatives, (trial court judges and clerks, appellate practitioners, Attorney General, appellate defender, etc.). This broader group would review the recommendations of the internal working group and assist in seeking solutions and alternative business practices to eliminate delays. Selected alternatives may initially warrant a limited application or pilot study to ensure they bring about the desired effect and avoid unintended consequences
 4. Establish and adopt the model appellate time standards, with modifications as needed to address local circumstances and standards for interim stages. Depending on how greatly the actual time frames vary from the standards, the appellate courts might also develop initial goals by which to chart their improvement (see the example of progressive benchmarks provided in Section VI B). Such goals can be helpful to achieve interim successes and in maintaining the commitment and focus on the overall time standards. For the overall time standards and any initial goals, the courts should designate time frames for achieving each.
 5. Once time standards are established, overall times to disposition should be regularly reported and published and times through various interim stages of appellate cases analyzed by the court. The reports should be provided to all judges and staff within the appellate courts to ensure that they remain relevant to them. If appropriate, they can also be distributed to the appellate business partners that participated in developing the time standards.

B. Adoption and Use of Model Time Standards

Establishing and measuring compliance with established time standards for the disposition of cases emphasizes the need for both judges and court personnel to recognize timely case processing as an essential expectation of their work. Doing so fosters the public's trust and confidence that the courts are committed to deciding cases expeditiously.

It is critical that an endeavor to establish appellate court time standards begin with a strong commitment from the chief justice, with support from the chief judge of the IAC. These leaders, along with other members of the appellate courts, will be jointly responsible for the vital leadership efforts and ongoing commitment for the implementation of the time standards. This includes shepherding the standards through an initial analysis, one or more pilot projects and the final adoption. In this way, they will set the tone for the process throughout the state with all businesses partners and inter-related departments and groups that the appellate courts work with. During this initial time period, the chief justice and chief judge will have to conduct discussions with all justices and judges regarding the effort. This may include overcoming any internal disagreements so that the project can go forward with as much majority support as possible.

When appellate court leaders embark on an effort to develop and adopt time standards, they should solicit discussion within the court as well as other groups that will be impacted. This can include judges, trial court clerks and court reporters, attorney general and appellate public defender offices, and appellate practitioners. The degree of participation in the process by these other groups may vary based on the culture and practices in a particular jurisdiction but their involvement is an essential ingredient. All participants should keep in mind that effective time standards are developed primarily to identify the length of time that provides both a deliberative and careful decision-making process as well as reasonable and appropriate timeliness in the resolution of cases. In addition, appellate courts must consider their own specific statutory mandates, rules and operating procedures. This process will result in implementing standards based on individual court circumstances and creating variations of the model from one state to another. However, any substantial variations from the model time standards should be based on the requirements for doing justice in an individual state; they should not result from disagreement with the concept of a nationally applicable model for time standards. Ideally, states with multiple intermediate appellate courts having the same case type jurisdiction would agree upon and adopt a common set of time standards for those courts.

Whatever the difference in circumstances may be from one appellate court to another, the provision of timely and affordable justice in compliance with time standards should be an

integral part of each court's management culture. The nature and importance of time standards as organizational goals should be communicated by the chief justice or chief judge and the court's executive management team to the judges and staff throughout the court, as well as to all of their appellate system partners.

Both in terms of overall public service and the court's own expectations of quality justice, appellate courts should consider the achievement of time standards as an important indicator of their performance.

C. Measuring Achievement of Time Standards

Once an appellate court has adopted either these model time standards or a modified set, the court leadership should regularly measure their achievement with respect to the established standards. Many state appellate courts already have a process for measuring timeliness of case disposition. Most of those include measures of time between interim events. The results of these measurements should be distributed on a regular basis, at least quarterly, to all judges and staff throughout the court. Results should also be released publicly at a minimum frequency of once each year, more frequently would be preferable.

If the results of these measurements consistently indicate that the court is not achieving its goals, the court leadership must develop and implement appropriate steps designed to improve timeliness. Depending upon the case stages that contribute to delay, such steps can include working with trial court clerks and court reporters to streamline the filing of records and transcripts, or with appellate counsel, especially offices of the appellate defenders and attorneys general offices, with respect to briefing timeliness. In addition, it is critical that court leadership also evaluate its internal policies and procedures to ensure that they do not contribute to the court's failure to meet its objectives.

Many appellate courts have instituted some form of screening process that can help to determine how best to review and decide cases, and some have accelerated the assignment of cases in their efforts to improve timeliness. Others have taken more systemic approaches. For example, since July 2009, Utah trial courts digitally record all proceedings and the appellate clerk's office centrally manages all transcript requests. The previous average of 138 days from transcript request to filing the transcript in the appellate court was reduced to an average of twenty-two days after this function was centralized.¹⁵

¹⁵ Suskin, L. *A Case Study: Reengineering Utah's Courts Through the Lens of the Principles for Judicial*

D. Relationship Between Time Standards and Resources

Appellate courts must have adequate funding and staffing to effectively fulfill their constitutional and statutory duties. This includes an appropriate number of judges to hear and decide cases in accordance with the adopted time standards. The inability of an appellate court to achieve its time standards can be an indicator that the court has an insufficient number of judges or judicial staff (law clerks and staff attorneys). However, to justify a request for more judges or staff, judicial leaders must first be able to demonstrate that they have examined all of the other potential reasons for the court's lack of timeliness.

The judicial leaders should be able to demonstrate that they have thoroughly evaluated whether they are making the best use of their available staff, that court procedures are simple, clear and streamlined, and that they are efficiently using their equipment and technology before requesting additional resources to reduce a backlog or maintain timeliness. It may also be appropriate to conduct a workload study, estimating the average amount of time that is devoted to each type of case in order to identify the number of judges and staff members needed in providing quality and timely resolutions of the number and type of cases in the court.

Measuring the achievement of established time standards is a critical foundation for building evidence-based requests for additional resources.

Measuring the achievement of established time standards is a critical foundation for building evidence-based requests for additional resources. It ties budget proposals to the mission of meeting agreed-upon goals. Appellate courts that adopt model time standards, measure their degree of achievement, promote timeliness, and take steps to effectively govern, organize, administer and manage the appellate process are well positioned to request and justify the resources needed to enable them to hear and decide cases in a timely manner.

Administration, NCSC, Denver, February 2012; <http://www.ncsc.org/services-and-experts/~media/Files/PDF/Services%20and%20Experts/Court%20reengineering/Utah%20Case%20Study%20%2027.ashx>



GOVERNMENT OF THE DISTRICT OF COLUMBIA
RENTAL HOUSING COMMISSION

March 1, 2021

The Honorable Anita Bonds
Chairperson, Committee on Housing and Neighborhood Revitalization
Council of the District of Columbia
1350 Pennsylvania Avenue, NW
Washington, D.C. 20004

SUBJECT: The Rental Housing Commission's Responses to Questions in Advance of the Performance Oversight Public Hearing on Fiscal Years 2020/2021, to Date

Dear Chairperson Bonds:

The Rental Housing Commission ("RHC" or the "Commission") has received questions in preparation for the Annual Performance Oversight Public Hearing, scheduled for Tuesday, March 9, 2021. As requested by letter, dated Wednesday, February 17, 2021, the Commission has attached the pre-hearing questions and responses to said questions. The Commission will provide this letter electronically, with attachments; and forward two (2) hard-copy binders, as requested.

Sincerely,

/s/

Michael T. Spencer
Chief Administrative Judge
Rental Housing Commission

Rental Housing Commission

PERFORMANCE OVERSIGHT HEARING

Fiscal Years 20 and 21, to date

Submitted to
The Honorable Anita Bonds, Chairperson
Committee on Housing and Neighborhood Revitalization