



**OFFICE OF COUNCILMEMBER ANITA BONDS**  
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WASHINGTON, DC 20004

November 27, 2023

Nyasha Smith, Secretary  
Council of the District of Columbia  
1350 Pennsylvania Avenue, N.W.  
Washington, DC 20004

Dear Secretary Smith,

Today, I am introducing the “Public Sector Injured Workers’ Equality Amendment Act of 2023.” Please find enclosed a signed copy of the legislation making the rights of (most<sup>1</sup>) public employees equal to the rights of private sector workers in terms of work injuries. Due to a historical accident arising from home rule, D.C. has different workers’ compensation laws for the public sector and the private sector. This is a rare arrangement—virtually all other states, including Virginia and Maryland—have the same basic rights for government and private sector employees—and the public sector system is markedly inferior to the private sector system in terms of claimant’s procedural and substantive rights.

Currently, injured workers in the public sector do not have equal rights to private sector workers. Private sector employees have the right to choose their physician when they suffer a work injury, while public sector employees cannot. Additionally, there is a conflict of interest in the way this Program is administered as it is both the insurer and the authority adjudicating the claims. A Claimant in the private sector system can request a hearing at any point on any dispute over benefits or rights, while in the public sector system, the Program chooses when the Claimant can file and the issues to be addressed. The Public Sector Program even attempts to deny the most seriously injured workers their right to permanent total disability, despite numerous judicial decisions holding that this benefit remains a right under the Public Sector Workers’ Compensation Act.

This bill would correct the problems above by granting public sector injured workers the same rights as private sector workers, from administrative fairness to substantive rights like permanent total disability. The bulk of this bill incorporates the language of the Private Sector Act, D.C. Code Sec. 32-1501 et seq., verbatim into the appropriate section of the Comprehensive Merit Personnel Act.

Should you have any questions about this legislation, please contact Aimellia Siemson at [asiemson@dccouncil.gov](mailto:asiemson@dccouncil.gov) or (202) 322-0442.

Thank you,

A handwritten signature in black ink, appearing to read "ANB".

Anita Bonds

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<sup>1</sup> Police and fire are covered under a separate law, The District of Columbia Police and Firefighters Retirement and Disability Act (PFRDA), D.C. Code § 5-701 et seq.



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Councilmember Anita Bonds

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend the District of Columbia Government Comprehensive Merit Personnel Act of 1979 to update the public sector workers' compensation system to mirror the private sector workers' compensation system, to deliver equal rights to public and private sector employees, as is the practice in most states in the country, and to create streamlined and improved workers' compensation laws governing work injuries suffered by District of Columbia government employees.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Public Sector Injured Workers' Equality Amendment Act of 2023".

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

(a) Section 2301 (D.C. Official Code §1-623.01) is amended to read as follows:

“Sec. 2301. Definitions.

”For the purposes in this title, the term:

(1) “Adoption” or “adopted” means legal adoption prior to the time of the injury.

- 35 (2) "Agency" means the agency or entity in the District of Columbia government that  
36 employed the claimant at the time of accidental injury or occupational disease;
- 37 (3) "Brother" or "sister" includes stepbrothers and stepsisters, half-brothers and half-sisters,  
38 and brothers and sisters by adoption, but does not include married brothers nor married  
39 sisters unless wholly dependent on the employee.
- 40 (4) "Carrier" means any person or fund authorized under section 2334 of this act to provide  
41 insurance under this title and it includes the District government, should it decide to self-  
42 insure.
- 43 (5) "Child" includes a posthumous child, a child legally adopted prior to the injury of the  
44 employee, a child in relation to whom the deceased employee stood in loco parentis for at  
45 least one year prior to the time of injury, and a stepchild or acknowledged child born out  
46 of wedlock dependent upon the deceased, but does not include married children unless  
47 wholly dependent on the employee.
- 48 (6) "Child," "grandchild," "brother," or "sister" includes persons who are:
- 49 (A) Under 18 years of age, and also persons who, though 18 years of age  
50 or over, are substantially dependent upon the deceased employee and incapable of self-support  
51 by reason of mental or physical disability; or
- 52 (B) Are students as defined herein.
- 53 (7) "Compensation" means the money allowance payable to an employee or to their  
54 dependents as provided for in this title, and includes funeral benefits provided herein.
- 55 (8) "Death" as a basis for a right to compensation means only death resulting from an injury.
- 56 (9) "Disability" means physical or mental incapacity because of injury which results in the  
57 loss of wages.

58 (10) “Domestic partner” shall have the same meaning as provided in section 701(3) of  
59 the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-  
60 114; § 32-701(3)).

61 (11) “Domestic partnership” shall have the same meaning as provided in section  
62 701(4) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C.  
63 Law 9-114; § 32-701(4)).

64 (12) “Employee” means:

65 “(A) An officer or employee in any branch of the District government,  
66 including an officer or employee of an instrumentality wholly owned by the District government;

67 “(B) An individual rendering personal service to the District government  
68 similar to the service of an officer or employee of the District of Columbia, without pay or for  
69 nominal pay, when a statute authorizes the acceptance or use of the service or authorizes  
70 payment of travel or other expenses of the individual, but does not include a member of the  
71 Metropolitan Police Department or the Fire and Emergency Medical Services Department of the  
72 District of Columbia who is pensioned or pensionable under the Policemen and Fireman’s  
73 Retirement and Disability Act, approved September 1, 1916 (79 Stat 718; D.C. Official Code §§  
74 5-701 through 5-724); and

75 “(C) An individual selected pursuant to Title 121 of Title 28 of the United States Code  
76 and serving as a petit or grand juror and who is otherwise an employee for the purposes of this  
77 title as defined by subparagraphs (A) and (B) of this paragraph.

78 (13) “Grandchild” means a child as above defined of a child as above defined.

79 (14) “Injury” means accidental injury or death arising out of and in the course of  
80 employment, and such occupational disease or infection as arises naturally out of such

81 employment or as naturally or unavoidably results from such accidental injury, and  
82 includes an injury caused by the willful act of third persons directed against an employee  
83 because of their employment.

84 (15) “Insurance consultation services” means any survey, consultation, inspection,  
85 advisory or related services performed by a carrier, its agents, employees or service  
86 contractors incident to an applicable policy of insurance for the purpose of reducing the  
87 likelihood of injury, death or loss, or to collect or verify information for purpose of  
88 underwriting.

89 (16) “Mayor” means the agent designated by the Mayor of the District of Columbia to  
90 administer the present title.

91 (17) “Nonscheduled benefits” means any partial disability not enumerated in section  
92 2308 of this title.

93 (18) “Parent” includes stepparents and parents by adoption, parents-in-law, and any  
94 person who for more than 3 years prior to the death of the deceased employee stood in  
95 the place of a parent to them, if dependent on the injured employee.

96 (19) “Person” means an individual, partnership, corporation, association, firm, trust, or  
97 legal representative thereof.

98 (20) “Physical impairment” means any physical or mental condition which is or is  
99 likely to be a hindrance or obstacle to obtaining employment.

100 (21) “Physician” means a physician, dentist, or chiropractor licensed in:

101 “(A) Accordance with the District of Columbia Health Occupations  
102 Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01  
103 *et seq.*); or

104                               “(B) Any state or jurisdiction of the United States, in accordance with the  
105 laws of that state or jurisdiction.

106       (22)           “Safe workplace program” means a program that the District government  
107           implements voluntarily to promote safety in the workplace. A certified program shall  
108           include a formal written safety policy developed by a safety committee made up of equal  
109           numbers of management representatives and employee representatives who are elected by  
110           their peers and who serve on the clock, and whose functions include a workplace  
111           inspection at least annually, regular meetings with written records, and making  
112           recommendations to the District government of ways to eliminate workplace hazards and  
113           unsafe work practices, appropriate training in hazard assessment and control, effective  
114           accident and incident identification and the role of the federal and local Occupational  
115           Safety and Health Administration. Where there is a duty to bargain collectively, the  
116           District government shall collectively bargain the use and implementation of the safe  
117           workplace program.

118       (23)           “Student” means a person regularly pursuing a full-time course of study or  
119           training at an institution which is:

120                               “(A) A school or college or university operated or directly supported by  
121 the United States, or by any state or local government or political subdivision thereof;

122                               “(B) A school or college or university which has been accredited by a state  
123 or the District of Columbia, or a state or District of Columbia recognized, or nationally  
124 recognized accrediting agency or body;

125                   “(C) A school or college or university not so accredited but whose credits  
126 are accepted, on transfer, by not less than 3 institutions which are so accredited, for credit on the  
127 same basis as if transferred from an institution so accredited; or

128                   “(D) An additional type of educational or training institution as defined by  
129 the Mayor, but not after they reach the age of 23 or have completed 4 years of education beyond  
130 the high school level, except that, where their 23rd birthday occurs during a semester or other  
131 enrollment period, they shall continue to be considered a student until the end of such semester  
132 or other enrollment period. A child shall not be deemed to have ceased to be a student during any  
133 interim between school years if the interim does not exceed 5 months and if they shows to the  
134 satisfaction of the Mayor that they have a bona fide intention of continuing to pursue a full-time  
135 course of education or training during the semester or other enrollment period immediately  
136 following the interim or during a period of reasonable duration during which, in the judgment of  
137 the Mayor, they are prevented by factors beyond their control from pursuing their education. A  
138 child shall not be deemed a student under this section during a period of service in the Armed  
139 Forces of the United States.

140       (24)       “Surviving spouse or domestic partner” includes the decedent’s spouse or  
141                   domestic partner living with or dependent for support upon the decedent at the time of  
142                   their or her death, or living apart for justifiable cause or by reason of their or her  
143                   desertion at such time.

144       (25)       “Utilization review” means the evaluation of the necessity, character, and  
145                   sufficiency of both the level and quality of medically related services provided an injured  
146                   employee based upon medically related standards.

147 (26) “Wages” means the money rate at which the service rendered is recompensed  
148 under the contract of hiring in force at the time of the injury, including the reasonable  
149 value of board, rent, housing, lodging, or similar advantage received from the Public  
150 Sector Workers’ Compensation Program, and gratuities received in the course of  
151 employment from other than the District government.

152 (27) ““District government” refers to the District of Columbia government in its  
153 capacity as employer.”

154 (b) Section 2302 (D.C. Official Code § 1-623.02) is amended to read as follows:

155 “Sec. 2302. Administration and annual report to Council.

156 “(a) There is established the Public Sector Workers’ Compensation Program. The Office  
157 of Risk Management shall administer the Public Sector Workers’ Compensation Program, and  
158 shall appoint, and fix the compensation of such personnel, and make such expenditures as may  
159 be necessary.

160 (b) The Department of Employment Services shall be responsible for the provisions of  
161 this title, and shall make such rules and regulations implementing this act. The Public Sector  
162 Workers’ Compensation Program shall be wholly separate from the Department of Employment  
163 Services.

164 “(c) All expenditures of the Mayor in the administration of this title shall be allowed and  
165 paid as provided in section 2341 of this title upon the presentation of itemized vouchers therefor  
166 approved by the Mayor.

167 “(d) The Mayor shall report annually to the Council by February 1st of each year on the  
168 status, from the previous fiscal year, of the workers’ compensation Public Sector Workers’  
169 Compensation Program. The report shall include the following:



170                   “(1) The total number of cases, the total number of lost time cases, the number of  
171 medical only cases, the number of cases where no compensation was paid, the number of cases  
172 that are more than 500 weeks, the number of permanent partial disability scheduled cases, the  
173 number of permanent partial disability nonscheduled cases, the number of permanent total  
174 disability cases, the number of temporary total disability cases, the total number of lost time  
175 cases, the number of medical only cases, the number of cases in which claimant was represented  
176 by an attorney, cumulative total attorney fees paid, the number of cases controverted, the number  
177 of controverted cases decided in favor of the District government and decided in favor of  
178 claimant, the growth in the assigned risk plan, the number of cases in and the future liability of  
179 the special fund; and

180                   “(2) The percentage of the total number of cases each year that are: more than 500  
181 weeks; permanent partial disability; permanent partial disability nonscheduled; permanent total  
182 disability; and temporary total disability.”.

183                   (c) Section 2302a (D.C. Official Code § 1-623.02a) is repealed.

184                   (c) Section 2302b (D.C. Official Code § 1-623.02b) is repealed.

185                   (d) Section 2303 (D.C. Official Code §1-623.03) is amended to read as follows:

186                   “Sec. 2303. Coverage.

187                   “(a) The Public Sector Workers’ Compensation Program shall be liable for compensation  
188 subject to this title for injury or death without regard to fault as a cause of the injury or death.

189                   “(b) Liability for compensation shall not apply where injury to the employee was  
190 occasioned solely by their intoxication or by their willful intention to injure or kill themselves or  
191 another.”.

192

193 (e) Section 2304 (D.C. Official Code §1-623.04) is amended to read as follows:

194 “Sec. 2304. Exclusiveness of liability and remedy.

195 “(a) The liability of the Public Sector Workers’ Compensation Program prescribed in  
196 section 2303 of this title shall be exclusive and in place of all liability of the Public Sector  
197 Workers’ Compensation Program to the employee, their legal representative, spouse or domestic  
198 partner, parents, dependents, next of kin, and anyone otherwise entitled to recover damages from  
199 the Public Sector Workers’ Compensation Program at law on account of such injury or death.

200 “(b) The compensation to which an employee is entitled under this title shall constitute  
201 the employee’s exclusive remedy against the District government, or any collective-bargaining  
202 agent of the District government’s employees and any employee, officer, director, or agent of the  
203 District government, insurer, or collective-bargaining agent (while acting within the scope of  
204 their employment) for any illness, injury, or death arising out of and in the course of their  
205 employment.”.

206 (f) Section 2305 (D.C. Official Code §1-623.05) is amended to read as follows:

207 “Sec. 2305. Commencement of compensation; maximum compensation.

208 “(a) No compensation shall be allowed for the first 3 days of the disability, except the  
209 benefits provided for in section 2307 of this title; provided, that in case the injury results in  
210 disability of more than 14 days the compensation shall be allowed from the date of the disability.

211 “(b) For any one injury causing temporary or permanent partial disability, the payment  
212 for disability benefits shall not continue for more than a total of 500 weeks. Within 60 days of  
213 the expiration of the duration of the compensation provided for in this subsection, an employee  
214 may petition the Mayor for an extension of up to 167 weeks. The extension shall be granted only  
215 upon a finding by an independent medical examiner appointed by the Mayor of continued whole

216 body impairment exceeding 20% under the American Medical Association’s Guides to the  
217 Evaluation of Permanent Impairment. An injured employee shall have up to 3 years after  
218 termination of nonscheduled benefits to re-open their or her case due to changes in condition.

219 (g) Section 2306 (D.C. Official Code §1-623.06) is amended to read as follows:

220 “Sec. 2306. Supplemental allowance.

221 “(a) When the average weekly wage has changed as provided for section 6 of the District  
222 of Columbia Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; § 32-  
223 1505), any person who has a total and permanent disability or any surviving spouse or domestic  
224 partner who is receiving payments for income benefits under this title in amounts per week less  
225 than the new maximum for total disability or death shall receive weekly from the Public Sector  
226 Workers’ Compensation Program, without application, an additional supplemental allowance  
227 calculated by the Mayor in accordance with the provisions of subsections (b) and (c) of this  
228 section. The Mayor shall notify the Public Sector Workers’ Compensation Program of the  
229 amount of such additional supplemental allowance.

230 “(b) In any case where a person with a total disability, or surviving spouse or domestic  
231 partner is receiving the maximum weekly income benefit applicable at the time such award was  
232 made under this title, the supplemental allowance shall be an amount which, when added to such  
233 award, will equal the new maximum weekly benefit.

234 “(c) In any case where a person with a total disability, or a surviving spouse or domestic  
235 partner is receiving less than the maximum weekly income benefit rate applicable at the time  
236 such award was made under this title, the supplemental allowance shall be an amount equal to  
237 the difference between the amount the claimant is presently receiving and a percentage of the  
238 new maximum determined by multiplying it by a fraction, the numerator of which is their present

239 award and the denominator of which is the maximum weekly rate applicable at the time such  
240 award was made.

241 “(d) No supplemental allowance referred to in subsections (b) and (c) of this section shall  
242 exceed 5% of the maximum weekly benefit received the preceding benefit year.”.

243 “(e) This supplemental allowance shall be in addition to any other upward adjustments  
244 available under this act, subject to the constraint of subsection (d) of this section, above.”

245 (h) Sections 2306a (D.C. Official Code § 1-623.06a) and 2306b (D.C. Official Code § 1-  
246 623.06b) are repealed.

247 (i) Section 2307 (D.C. Official Code §1-623.07 is amended to read as follows:

248 “Sec. 2307. Medical services, supplies, and insurance.

249 “(a) The Public Sector Workers’ Compensation Program shall furnish such medical,  
250 surgical, vocational rehabilitation services, including necessary travel expenses and other  
251 attendance or treatment, nurse and hospital service, medicine, crutches, false teeth or the repair  
252 thereof, eye glasses or the repair thereof, artificial or any prosthetic appliance for such period as  
253 the nature of the injury or the process of recovery may require. The Public Sector Workers’  
254 Compensation Program shall furnish such additional payment as the Mayor may determine is  
255 necessary for the maintenance of an employee undergoing vocational rehabilitation, not to  
256 exceed \$50 a week.

257 “(a-1)(1) Any employing agency who provides health insurance coverage for an  
258 employee shall provide health insurance coverage equivalent to the existing health insurance  
259 coverage of the employee while the employee receives or is eligible to receive workers’  
260 compensation benefits under this title.

261 “(2) For purposes of this subsection, the phrase “eligible to receive” means:

262                   “(A) An employee is away from work due to a job-related injury for which  
263 the employee has filed a claim for workers’ compensation benefits under this title; or

264                   “(B) The Public Sector Workers’ Compensation Program has knowledge  
265 of a job-related injury of an employee who is away from work due to the job-related injury  
266 pursuant to which workers’ compensation benefits may become due under section 2315.

267                   “(3) The provision of health insurance coverage shall not exceed 52 weeks and  
268 shall be at the same benefit level that the employee had at the time the employee received or was  
269 eligible to receive workers’ compensation benefits.

270                   “(4) Except as provided in paragraph (3) of this subsection, the Public Sector  
271 Workers’ Compensation Program shall pay the total cost for the provision of health insurance  
272 coverage during the time that the employee receives or is eligible to receive workers’  
273 compensation benefits under this title, including any contribution that the employee would have  
274 made if the employee had not received or been eligible to receive workers’ compensation  
275 benefits.

276                   “(5) Each provider of medical care or services pursuant to this title shall use a  
277 standard coding system for reports and bills generated pursuant to this title. Medical care and  
278 services shall be billed at the rate established in the medical fee schedule adopted by the Mayor.  
279 This fee schedule shall be based on 113% of Medicare’s reimbursement amounts.

280                   “(b)(1) The employee shall have the right to choose an attending physician to provide  
281 medical care under this title. If, due to the nature of the injury, the employee is unable to select a  
282 physician and the nature or the injury requires immediate treatment and care, the Public Sector  
283 Workers’ Compensation Program shall select a physician for them. Where medically necessary

284 or advisable, or at the request of the employee, the attending physician shall consult with the  
285 employee's personal physician.

286           “(2) The Mayor shall supervise the medical care rendered to injured employees,  
287 shall require periodic reports as to the medical care being rendered to injured employees, shall  
288 have the authority to determine the necessity, character, and sufficiency of any medical aid  
289 furnished or to be furnished, and may order a change of physician or hospital when in their  
290 judgment such change is necessary or desirable.

291           “(3) Each person who provides medical care or service under this title shall utilize  
292 a standard coding system for reports and bills pursuant to rules issued by the Mayor. Medical  
293 care and service shall be billed at a usual and customary rate.

294           “(4) Any medical care or service furnished or scheduled to be furnished under this  
295 title shall be subject to utilization review. Utilization review may be accomplished prospectively,  
296 concurrently, or retrospectively.

297           “(A) In order to determine the necessity, character, or sufficiency of any  
298 medical care or service furnished or scheduled to be furnished under this title and to allow for the  
299 performance of competent utilization review, a utilization review organization or individual used  
300 pursuant to this title shall be certified by the Utilization Review Accreditation Commission.

301           “(B) When it appears that the necessity, character, or sufficiency of  
302 medical care or service to an employee is improper or that medical care or service scheduled to  
303 be furnished must be clarified, the Mayor, employee, or Public Sector Workers' Compensation  
304 Program may initiate review by a utilization review organization or individual.

305           “(C) If the medical care provider disagrees with the opinion of the  
306 utilization review organization or individual, the medical care provider shall have the right to

307 request reconsideration of the opinion by the utilization review organization or individual 60  
308 calendar days from receipt of the utilization review report. The request for reconsideration shall  
309 be written and contain reasonable medical justification for the reconsideration.

310                   “(D) Disputes between a medical care provider, employee, or Public  
311 Sector Workers’ Compensation Program on the issue of necessity, character, or sufficiency of  
312 the medical care or service furnished, or scheduled to be furnished, or the fees charged by the  
313 medical care provider shall be resolved by the Mayor upon application for a hearing on the  
314 dispute by the medical care provider, employee, or Public Sector Workers’ Compensation  
315 Program. A party who is adversely affected or aggrieved by the decision of the Mayor may  
316 petition for review of the decision by the District of Columbia Court of Appeals.

317                   “(E) The Public Sector Workers’ Compensation Program shall pay the  
318 cost of a utilization review if the employee seeks the review and is the prevailing party.

319                   “(5) Medical care providers shall not hold employees liable for service rendered  
320 in connection with a compensable injury under this title.

321                   “(c) Vocational rehabilitation shall be designed, within reason, to return the employee to  
322 employment at a wage as close as possible to the wage that the employee earned at the time of  
323 injury. The Mayor shall monitor the provision of vocational rehabilitation of employees with  
324 disabilities and determine the adequacy and sufficiency of such rehabilitation. Where, in the  
325 judgment of the Mayor, the Public Sector Workers’ Compensation Program fails or refuses to  
326 provide adequate and sufficient rehabilitation services as required in subsection (a) of this  
327 section, the Mayor may order that the supplier of such services be changed.

328                   “(d) If the Public Sector Workers’ Compensation Program fails to provide the medical or  
329 other treatment, services, supplies, or insurance coverage required to be furnished by subsections

330 (a) and (a-1) of this section, after request by the injured employee, such injured employee may  
331 procure the medical or other treatment, services, supplies, or insurance coverage and select a  
332 physician to render treatment and services at the expense of the Public Sector Workers'  
333 Compensation Program. The employee shall not be entitled to recover any amount expended for  
334 the treatment, service, or insurance coverage unless the employee requested the Public Sector  
335 Workers' Compensation Program to furnish the treatment or service or to furnish the health  
336 insurance coverage and the Public Sector Workers' Compensation Program refused or neglected  
337 to do so, or unless the nature of the injury required the treatment or service and the Public Sector  
338 Workers' Compensation Program or their superintendent or foreman having knowledge of the  
339 injury neglected to provide the treatment or service; nor shall any claim for medical or surgical  
340 treatment be valid or enforceable, as against the Public Sector Workers' Compensation Program,  
341 unless within 20 days following the 1st treatment the physician giving the treatment furnishes to  
342 the Public Sector Workers' Compensation Program and the Mayor a report of the injury or  
343 treatment, on a form prescribed by the Mayor. The Mayor may, however, excuse the failure to  
344 furnish such report within 20 days when the Mayor finds it to be in the interest of justice to do  
345 so, and the Mayor may, upon application by a party in interest, make an award for the reasonable  
346 value of such medical or surgical treatment so obtained by the employee. If at any time during  
347 such period the employee unreasonably refuses to submit to medical or surgical treatment or to  
348 an examination by a physician selected by the Public Sector Workers' Compensation Program,  
349 or to accept vocational rehabilitation the Mayor shall, by order, suspend the payment of further  
350 compensation, medical payments, and health insurance coverage during such period, unless the  
351 circumstances justified the refusal.



352           “(e) Whenever, in the opinion of the Mayor, the injured employee, or the Public Sector  
353 Workers’ Compensation Program, a physician has improperly estimated the degree of permanent  
354 disability or the extent of temporary disability occasioned by the injury or where in the opinion  
355 of such parties a physician recommends a treatment for an injury not generally recognized by the  
356 medical community the Mayor shall cause such employee to be examined by another physician  
357 selected by the Mayor and to obtain from such physician a report containing their estimate of  
358 such disabilities and a recommendation for treatment. If the report of such physician shows that  
359 the estimate of the former physician is improper or that the treatment recommended is not one  
360 that is generally recognized in the medical community, the Mayor shall have the power in their  
361 discretion to charge the cost of such examination to the Public Sector Workers’ Compensation  
362 Program.

363           “(f) All fees and other charges for such treatment or service shall be limited to such  
364 charges as prevail in the same community for similar treatment of injured persons and shall be  
365 subject to regulation by the Mayor.

366           “(g) The liability of the Public Sector Workers’ Compensation Program for medical  
367 treatment as provided in this section shall not be affected by the fact that their employee was  
368 injured through the fault or negligence of a third party not in the same employ, or suit has been  
369 brought against such 3rd party. The Public Sector Workers’ Compensation Program shall,  
370 however, have a cause of action against such 3rd party to recover any amounts paid by them for  
371 such medical treatment in like manner as provided in section 2335(b).

372           “(h) When the Public Sector Workers’ Compensation Program and an employee so agree  
373 in writing, nothing in this title shall be construed to prevent an employee, whose injury or  
374 disability has been established in accordance with the provisions of this title, from relying in

375 good faith, on treatment by prayer or spiritual means alone, in accordance with the tenets and  
376 practice of a recognized church or religious denomination, by a duly accredited practitioner  
377 thereof, and having nursing services appropriate therewith, without suffering loss or diminution  
378 of the compensation benefits under this title; provided, the employee shall submit to all physical  
379 examinations required by this title.

380 “(i) The employee and Public Sector Workers’ Compensation Program are entitled upon  
381 request to all medical reports made pursuant to claims arising under this title.”.

382 (j) Section 2308 (D.C. Official Code §1-623.08) is amended to read as follows:

383 “Sec. 2308. Compensation for disability.

384 “Compensation for disability shall be paid to the employee as follows:

385 “(1) In case of total disability adjudged to be permanent, 66 2/3% of the  
386 employee’s average weekly wages shall be paid to the employee during the continuance thereof.  
387 Loss of both hands, or both arms, or both feet, or both legs, or both eyes, or of any 2 thereof  
388 shall, in the absence of conclusive proof to the contrary, constitute permanent total disability. In  
389 all other cases permanent total disability shall be determined only if, as a result of the injury, the  
390 employee is unable to earn any wages in the same or other employment;

391 “(2) In case of disability total in character but temporary in quality, 66 2/3% of  
392 the employee’s average weekly wages shall be paid to the employee during the continuance  
393 thereof;

394 “(3) In case of disability partial in character but permanent in quality, the  
395 compensation shall be 66 2/3% of the employee’s average weekly wages which shall be in  
396 addition to compensation for temporary total disability or temporary partial disability paid in

397 accordance with paragraph (2) or (4) of this subsection respectively, and shall be paid to the  
398 employee, as follows:

399                   “(A) Arm lost, 312 weeks’ compensation;

400                   “(B) Leg lost, 288 weeks’ compensation;

401                   “(C) Hand lost, 244 weeks’ compensation;

402                   “(D) Foot lost, 205 weeks’ compensation;

403                   “(E) Eye lost, 160 weeks’ compensation;

404                   “(F) Thumb lost, 75 weeks’ compensation;

405                   “(G) First finger lost, 46 weeks’ compensation;

406                   “(H) Great toe lost, 38 weeks’ compensation;

407                   “(I) Second finger lost, 30 weeks’ compensation;

408                   “(J) Third finger lost, 25 weeks’ compensation;

409                   “(K) Toe other than great toe lost, 16 weeks’ compensation;

410                   “(L) Fourth finger lost, 15 weeks’ compensation;

411                   “(M) Compensation for loss of hearing of one ear, 52 weeks.

412 Compensation for loss of hearing of both ears, 200 weeks, provided that the Mayor may establish  
413 a waiting period, not to exceed 6 months, during which an employee may not file a claim for loss  
414 of hearing resulting from nontraumatic causes in their occupational environment until the  
415 employee has been away from such environment for such period, and provided further, that  
416 nothing in this subparagraph shall limit an employee’s right to file a claim for temporary partial  
417 disability pursuant to paragraph (5) of this section;

418                   “(N) Compensation for loss of more than one phalange of a digit shall be  
419 the same as for loss of the entire digit. Compensation for loss of the 1st phalange shall be one  
420 half of the compensation for loss of the entire digit;

421                   “(O) Compensation for an arm or a leg, if amputated at or above the elbow  
422 or the knee, shall be the same as for a loss of the arm or leg; but if amputated between the elbow  
423 and the wrist or the knee and the ankle, shall be the same as for loss of a hand or foot;

424                   “(P) Compensation for loss of binocular vision or for 80% or more of the  
425 vision of an eye shall be the same as for loss of the eye;

426                   “(Q) Compensation for loss of 2 or more digits, or one or more phalanges  
427 of 2 or more digits, of a hand or foot, may be proportioned to the loss of use of the hand or foot  
428 occasioned thereby, but shall not exceed the compensation for loss of a hand or foot;

429                   “(R) Compensation for permanent total loss of use of a member shall be  
430 the same as for loss of the member;

431                   “(S) Compensation for permanent partial loss or loss of use of a member  
432 may be for proportionate loss or loss of use of the member. Benefits for partial loss of vision in  
433 one or both eyes, or partial loss of hearing in one or both ears shall be for a period proportionate  
434 to the period benefits are payable for total bilateral loss of vision or total binaural loss of hearing  
435 as such partial loss bears to total loss;

436                   “(T) The Mayor shall award proper and equitable compensation for  
437 serious disfigurement of the face, head, neck or other normally exposed bodily areas not to  
438 exceed \$7,500;

439

440                   “(U) In any case in which there shall be a loss of, or loss of use of, more  
441 than one member or parts of more than one member set forth in subparagraphs (A) to (S) of this  
442 paragraph, not amounting to permanent total disability, the award of compensation shall be for  
443 the loss of, or loss of use of, each such member or part thereof, which awards shall run  
444 consecutively, except that where one injury affects only 2 or more digits of the same hand or  
445 foot, subparagraph (Q) of this paragraph shall apply; and

446                   “(U-i) In determining disability pursuant to subparagraphs (A) through (S)  
447 of this subsection, the most recent edition of the American Medical Association’s Guides to the  
448 Evaluation of Permanent Impairment may be utilized, along with the following 5 factors:

449                                   Guides to the Evaluation of Permanent Impairment

450                                   “(i) Pain;

451                                   “(ii) Weakness;

452                                   “(iii) Atrophy;

453                                   “(iv) Loss of endurance; and

454                                   “(v) Loss of function.

455                   “(V)(i) In other cases the employee shall elect:

456                                   “(I) To have their or her compensation calculated in  
457 accordance with the formula set forth in either sub-subparagraph (ii)(I) or (II) of this  
458 subparagraph; and

459                                   “(II) To receive the compensation at the time the employee  
460 returns to work or achieves maximum medical improvement.

461                                   “(ii) The compensation shall be 662/3% of the greater of:

462                                   “(I) The difference between the employee’s actual wage at  
463 the time of injury and the average weekly wage, at the time of injury, of the job that the  
464 employee holds after the employee has a disability; or

465                                   “(II) The difference between the average weekly wage, at  
466 the time the employee returns to work, of the job that the employee held before the employee had  
467 the disability and the actual wage of the job that the employee holds when the employee returns  
468 to work.

469                                   “(iii) If the employee voluntarily limits their or her income or fails  
470 to accept employment commensurate with the employee’s abilities, the employee’s wages after  
471 the employee becomes disabled shall be deemed to be the amount the employee would earn if the  
472 employee did not voluntarily limit their or her income or did accept employment commensurate  
473 with the employee’s abilities. Notwithstanding the provisions of this section, in the case of injury  
474 occurring on or after April 16, 1999, the periods of compensation set forth in subparagraphs (A)  
475 through (S) of this paragraph shall each be reduced by a proportion of 25% of the stated period  
476 of weeks, rounded upward to the nearest whole week.

477                                   “(4) Any compensation to which any claimant would be entitled under  
478 paragraph (3) of this section, excepting paragraph (3)(V) of this section, shall, provided the death  
479 arises from causes other than the injury, be payable in full to and for the benefit of the persons  
480 following:

481                                   “(A) If there is a surviving spouse or domestic partner and no child of the  
482 deceased to such spouse or domestic partner;

483                   “(B) If there is a surviving spouse or domestic partner and surviving child  
484 or children of the deceased, one half shall be payable to the spouse or domestic partner and the  
485 other one half to the surviving child or children;

486                   “(C) The Mayor may in their discretion require the appointment of a  
487 guardian for the purpose of receiving the compensation of the minor child. In the absence of such  
488 a requirement, the appointment for such a purpose shall not be necessary;

489                   “(D) If there is a surviving child or children of the deceased but no  
490 surviving spouse or domestic partner, then to such child or children;

491                   “(E) If there is no surviving spouse or domestic partner and no surviving  
492 children, such unpaid amount of the award shall be paid to the survivors specified in section  
493 2309 (other than a spouse, domestic partner, or child); and the amount to be paid each such  
494 survivor shall be determined by multiplying such unpaid amount of the award by the appropriate  
495 percentage specified in section 2309(5), but if the aggregate amount to which all such survivors  
496 are entitled, as so determined, is less than such unpaid amount of the award, the excess amount  
497 shall be divided among such survivors pro rata according to the amount otherwise payable to  
498 each.

499                   “(5) In case of temporary partial disability, the compensation shall be 66 2/3% of  
500 the injured employee’s wage loss to be paid during the continuance of such disability, but shall  
501 not be paid for a period exceeding 5 years. Wage loss shall be the difference between the  
502 employee’s average weekly wage before the employee had the disability and the employee’s  
503 actual wages after the employee had the disability. If the employee voluntarily limits their  
504 income or fails to accept employment commensurate with their abilities, then their wages after

505 the employee had the disability shall be deemed to be the amount they would earn if they did not  
506 voluntarily limit their income or did accept employment commensurate with their abilities.

507 “(6)(A) If an employee receives an injury, which combined with a previous  
508 occupational or nonoccupational disability or physical impairment causes substantially greater  
509 disability or death, the liability of the Public Sector Workers’ Compensation Program shall be as  
510 if the subsequent injury alone caused the subsequent amount of disability and shall be the  
511 payment of:

512 “(i) All medical expenses;

513 “(ii) All monetary benefits for temporary total or partial injuries; and

514 “(iii) Monetary benefits for permanent total or partial injuries up to 104  
515 weeks.

516 “(6)(B) The requirements of this paragraph shall apply to injuries occurring prior  
517 to April 16, 1999.

518 “(7) In each case, payment of benefits shall be 66 2/3 % of the employee’s  
519 average weekly wage.

520 “(8) The Mayor may approve lump-sum settlements agreed to in writing by the  
521 interested parties, discharging the liability of the Public Sector Workers’ Compensation Program  
522 for compensation, notwithstanding sections 2306 and 2317. in any case where the Mayor  
523 determines that it is in the best interest of an injured employee entitled to compensation or  
524 individuals entitled to benefits pursuant to section 2309. The Mayor shall approve the settlement,  
525 where both parties are represented by legal counsel who are eligible to receive attorney fees  
526 pursuant to section 2330. These settlements shall be the complete and final dispositions of a case  
527 and shall be a final binding compensation order.



528                   “(9) An award for disability may be made after the death of an injured employee  
529 from causes other than work-related injury. If the award made is for permanent partial disability,  
530 pursuant to paragraph (3)(A) through (U) of this section, the award shall be payable in full  
531 pursuant to paragraph (4) of this section. If the award made is for any other category of  
532 disability, the amount of the award shall be computed from the date of the injury to the date of  
533 death, and shall be payable in full in the same manner as an award payable pursuant to paragraph  
534 (4) of this section.”.

535                   (k) Section 2309 (D.C. Official Code §1-623.09) is amended to read as follows:

536                   “Sec. 2309. Compensation for death.

537                   “If the injury causes death, the compensation shall be known as a death benefit and shall  
538 be payable in the amount and to or for the benefit of the persons following:

539                   “(1) Reasonable funeral expenses not exceeding \$5,000.

540                   “(2) If there be a surviving spouse or domestic partner and no child of the  
541 deceased, to such surviving spouse or domestic partner 50% of the average wages of the  
542 deceased, for as long as the surviving spouse or domestic partner does not remarry or enter into a  
543 domestic partnership, with 2 years’ compensation in one sum upon remarriage or entry into a  
544 domestic partnership; and if there be a surviving child or children of the deceased, the additional  
545 amount of 16 2/3% of such wages for each such child; in case of the death, remarriage, or entry  
546 into a domestic partnership of such surviving spouse or domestic partner, if there be one  
547 surviving child of the deceased employee, such child shall have their compensation increased to  
548 50% of such wages, and if there be more than one surviving child of the deceased employee to  
549 such children, in equal parts, 50% of such wages increased by 16 2/3% of such wages for each  
550 child in excess of 1; provided, that the total amount payable shall in no case exceed 66 2/3% of

551 such wages. The Mayor may, in their discretion, require the appointment of a guardian for the  
552 purpose of receiving the compensation of a minor child. In the absence of such a requirement,  
553 the appointment of a guardian for such purposes shall not be necessary.

554           “(3) If there be one surviving child of the deceased, but no surviving spouse or  
555 domestic partner then for the support of such child 50% of the wages of the deceased; and if  
556 there be more than one surviving child of the deceased, but no surviving spouse or domestic  
557 partner then for the support of such children, in equal parts 50% of such wages increased by 16  
558 2/3% of such wages for each child in excess of 1; provided, that the total amount payable shall in  
559 no case exceed 66 2/3% of such wages.

560           “(4) If there be no surviving spouse or domestic partner or child or if the amount  
561 payable to a surviving spouse or domestic partner and to children shall be less in the aggregate  
562 than 66 2/3% of the average wages of the deceased, then for the support of grandchildren or  
563 brothers and sisters if dependent upon the deceased at the time of the injury, 20% of such wages  
564 for the support of each such person and for the support of each parent, or grandparent, of the  
565 deceased if dependent upon them at the time of the injury 25% of such wages during such  
566 dependency. But in no case shall the aggregate amount payable under this paragraph exceed the  
567 difference between 66 2/3% of such wages and the amount payable as herein before provided to  
568 surviving spouse or domestic partner and for the support of surviving child or children.

569           “(5) Weekly death benefits paid under this section shall not exceed the average  
570 weekly wages of insured employees in the District of Columbia, or \$396.78, whichever is  
571 greater.

572           “(6) All questions of dependency shall be determined as of the time of the injury  
573 or knowledge by the employee of an occupational disease.”.

574 (l) Section 2310 (D.C. Official Code §1-623.10) is amended to read as follows:

575 “Sec. 2310. Occupational disease.

576 “In case of pneumoconiosis, such as silicosis and asbestosis, radiation diseases, and any  
577 other generally recognized occupational disease, liability for compensation rests with the  
578 employer of the last known exposure, which includes the Public Sector Workers’ Compensation  
579 Program on the same terms as any private employer.”.

580 (m) Section 2311 (D.C. Official Code §1-623.11) is amended to read as follows:

581 “Sec. 2311. Determination of average weekly wage.

582 “(a) Except as otherwise provided in this title, the average weekly wage of the injured  
583 employee at the time of the injury shall be taken as the basis upon which to compute  
584 compensation and shall be determined as follows:

585 “(1) If at the time of the injury the wages are fixed by the week, the amount so  
586 fixed shall be the average weekly wage;

587 “(2) If at the time of the injury the wages are fixed by the month, the average  
588 weekly wage shall be the monthly wage so fixed multiplied by 12 and divided by 52;

589 “(3) If at the time of the injury the wages are fixed by the year, the average  
590 weekly wage shall be the yearly wage so fixed divided by 52;

591 “(4) If at the time of injury wages are fixed by the day, hour, or by the output of  
592 the employee, the average weekly wage shall be computed by dividing by 26 the total wages the  
593 employee earned in the employ of the District government in the 26 consecutive calendar weeks  
594 immediately preceding the injury. If the employee has been in the employ of the District  
595 government less than 26 weeks, the total wages referred to in paragraph (3) of this subsection  
596 shall be the amount the employee would have earned had the employee been employed by the

597 District government for the full 26 calendar weeks immediately preceding the injury and had  
598 worked, when work was available to other employees, in a similar occupation; or

599 “(5) If it be established that the employee, when injured, was a minor or a student  
600 as defined in section 2301(23) and that under normal conditions their wages should be expected  
601 to increase during the period of disability, whether such disability be temporary, partial, or  
602 permanent in character, the fact shall be considered in arriving at their average weekly wage; or

603 “(6) If the injured employee has not worked in this employment during  
604 substantially the whole of the period, the employee’s average weekly wage shall consist of 130  
605 times the average daily wage or salary, divided by 26 weeks, which an employee of the same  
606 class working substantially the whole of the immediately preceding period in the same or similar  
607 employment, in the same or a similar neighboring place, shall have earned in the employment  
608 during the days when so employed.

609 “(b) The terms “average weekly wage” and “total wages” as used in this section shall  
610 include reasonable value for board and lodging received from the District government plus  
611 gratuities declared for tax purposes by the employee.”.

612 (n) Section 2312 (D.C. Official Code §1-623.12) is amended to read as follows:

613 “Sec. 2312. Guardian for minor or incompetent.

614 “The Mayor may require the appointment by a court of competent jurisdiction, for any  
615 person who is mentally incompetent or a minor, of a guardian or other representative to receive  
616 compensation payable to such person under this title and to exercise the powers granted to or to  
617 perform the duties required of such person under this title.”.

618 (o) Section 2313 (D.C. Official Code §1-623.13) is amended to read as follows:

619 “Sec. 2313. Notice of injury or death.

620           “(a) Notice of any injury or death in respect of which compensation is payable under this  
621 title shall be given within 30 days after the date of such injury or death, or 30 days after the  
622 employee or beneficiary is aware or in the exercise of reasonable diligence should have been  
623 aware of a relationship between the injury or death and the employment.

624           “(b) Such notice shall be in writing, shall contain the name and address of the employee  
625 and a statement of the time, place, nature, and cause of the injury or death, and shall be signed by  
626 the employee or by some person on their behalf, or, in case of death, by any person claiming to  
627 be entitled to compensation for such death or by a person on their behalf.

628           “(c) Notice shall be given to the Mayor by delivering it or sending it by mail to the entity  
629 at the Department of Employment Services designated by the Mayor for such purpose.

630           “(d) Failure to give such notice shall not bar any claim under this title:

631                   “(1) If the Public Sector Workers' Compensation Program (or their agent in  
632 charge of the business in the place where the injury occurred) or the carrier had knowledge of the  
633 injury or death and its relationship to the employment and the Mayor determines that the Public  
634 Sector Workers' Compensation Program or its carrier has not been prejudiced by failure to give  
635 such notice; or

636                   “(2) If the Mayor excuses such failure on the ground that for some satisfactory  
637 reason such notice could not be given; or unless objection to such failure is raised before the  
638 Mayor at the 1st hearing of a claim for compensation in respect of such injury or death.”.

639           (p) Section 2314 (D.C. Official Code §1-623.14) is amended to read as follows:

640           “Sec. 2314. Time for filing claims.

641           “(a) An original claim for compensation for disability or death must be filed within 2  
642 years after the injury or death. Compensation for disability or death, including medical care in a  
643 disability case, may not be allowed if claim is not filed within that time unless:

644           (1) The immediate superior has actual knowledge of the injury or death within 30 days.  
645 The knowledge must be such to put the immediate superior reasonably on notice of an on-the-job  
646 injury or death; or

647           (2) Written notice of injury or death as specified in § 1-623.19 was given within 30 days.

648           “(b) In a case of latent disability, the time for filing a claim does not begin to run until the  
649 employee has a compensable disability and is aware, or by the exercise of reasonable diligence  
650 should have been aware, of the causal relationship of the compensable disability to their  
651 employment. In such a case, the time for giving notice of injury begins to run when the employee  
652 is aware or, by the exercise of reasonable diligence, should have been aware that their condition  
653 is causally related to their employment, whether or not there is a compensable disability.

654           “(c) The timely filing of a disability claim because of injury will satisfy the time  
655 requirements for a death claim based on the same injury.

656           “(d) The time limitations in subsections (a) and (b) of this section do not:

657           (1) Begin to run against a minor until he or she reaches 21 years of age or has had a legal  
658 representative appointed; or

659           (2) Run against an incompetent individual while he or she is incompetent and has no duly  
660 appointed legal representative; or

661           (3) Run against any individual whose failure to comply is excused by the Mayor on the  
662 ground that such notice could not be given because of exceptional circumstances.

663           “(e) An injured worker may reopen a case within one year after the date of the last  
664 payment of indemnity or the final order issued by a judicial entity.

665           “(f) Where recovery is denied to any person, in a suit brought at law to recover damages  
666 against the Public Sector Workers’ Compensation Program in respect of injury or death, on the  
667 ground that such a person was an employee of the District government subject to this title, the  
668 limitation of time prescribed in subsection (a) of this section shall begin to run only from the date  
669 of termination of such suit.”.

670           (q) Section 2315 (D.C. Official Code §1-623.15) is amended to read as follows:

671           “Sec. 2315. Payment of compensation.

672           “(a) Compensation under this title shall be paid periodically, promptly, and directly to the  
673 person entitled thereto, without an award, except where liability to pay compensation is  
674 controverted by the Public Sector Workers’ Compensation Program.

675           “(b) The 1st installment of compensation shall become due on the 14th day after the  
676 Public Sector Workers’ Compensation Program has knowledge of the job-related injury or death,  
677 on which date all compensation then due shall be paid. Thereafter compensation shall be paid in  
678 installments, biweekly, except where the Mayor determines that payment in installments should  
679 be made monthly or at some other period.

680           “(c) Upon making the 1st payment and upon suspension of payment for any cause, the  
681 Public Sector Workers’ Compensation Program shall immediately notify the Mayor in  
682 accordance with a form prescribed by the Mayor that payment of compensation has begun or has  
683 been suspended, as the case may be.

684           “(d) If the Public Sector Workers’ Compensation Program controverts the right to  
685 compensation they shall file with the Mayor, on or before the 14th day after they have

686 knowledge of the alleged injury or death and its relationship to the employment, a notice in  
687 accordance with a form prescribed by the Mayor stating that the right to compensation is  
688 controverted, the name of the claimant, the name of the employing agency of the District  
689 government, the date of the alleged injury or death and the grounds upon which the right to  
690 compensation is controverted.

691       “(e) If any installment of compensation payable without an award is not paid within 14  
692 days after it becomes due, as provided in subsection (b) of this section, there shall be added to  
693 such unpaid installment an amount equal to 10% thereof, which shall be paid at the same time as,  
694 but in addition to, such installment, unless notice is filed under subsection (d) of this section, or  
695 unless such nonpayment is excused by the Mayor after a showing by the Public Sector Workers’  
696 Compensation Program that owing to conditions over which they had no control such installment  
697 could not be paid within the period prescribed for the payment.

698       “(f) If any compensation, payable under the terms of an award, is not paid within 10 days  
699 after it becomes due, there shall be added to such unpaid compensation an amount equal to 20%  
700 thereof, which shall be paid at the same time as, but in addition to, such compensation, unless  
701 review of the compensation order making such award is had as provided in section 2322 and an  
702 order staying payments has been issued by the Mayor or court. The Mayor may waive payment  
703 of the additional compensation after a showing by the Public Sector Workers’ Compensation  
704 Program that owing to conditions over which they had no control such installment could not be  
705 paid within the period prescribed for the payment.

706       “(g) Within 16 days after final payment of compensation has been made, the Public  
707 Sector Workers’ Compensation Program shall send to the Mayor a notice, in accordance with a  
708 form prescribed by the Mayor, stating that such final payment has been made, the total amount of



709 compensation paid, the name of the employee and of any other person to whom compensation  
710 has been paid, the date of the injury or death, and the date to which compensation has been paid.

711       “(h) The Mayor: (1) May upon their own initiative at any time in a case in which  
712 payments are being made without an award; and (2) shall in any case where right to  
713 compensation is controverted, or where payments of compensation have been stopped or  
714 suspended, upon receipt of notice from any person entitled to compensation or from the Public  
715 Sector Workers’ Compensation Program, that the right to compensation is controverted, or where  
716 payments of compensation have been stopped or suspended, make such investigations, cause  
717 such medical examinations to be made, or hold such hearings, and take such further action as  
718 they considers will properly protect the rights of all parties.

719       “(i) If the Public Sector Workers’ Compensation Program has made advance payments of  
720 compensation, they shall be entitled to be reimbursed out of any unpaid installment or  
721 installments of compensation due. All payments prior to an award, to an employee who is injured  
722 in the course and scope of their employment, shall be considered advance payments of  
723 compensation.

724       “(j) An injured employee, or in case of death their dependents or personal representative,  
725 shall give receipts for payment of compensation to the Public Sector Workers’ Compensation  
726 Program paying the same and the Public Sector Workers’ Compensation Program shall produce  
727 the same for inspection by the Mayor, whenever required.

728       “(r) Section 2316 (D.C. Official Code §1-623.16 is amended to read as follows:

729       “Sec. 2316. Invalid agreements.

730       “(a) No agreement by an employee to pay any portion of a premium payable by the  
731 Public Sector Workers’ Compensation Program to a carrier or to contribute to a benefit fund or

732 department maintained by the Public Sector Workers' Compensation Program for the purpose of  
733 providing compensation or medical services and supplies as required by this title shall be valid.

734       “(b) No agreement by an employee to waive their right to compensation under this title  
735 shall be valid.

736       (s) Section 2317 (D.C. Official Code §1-623.17) is amended to remove existing language  
737 and the following language is inserted:

738       “Sec. 2317. Assignment of compensation; exemption from claims of creditors.

739       “No assignment, release, or commutation of compensation or benefits due or payable  
740 under this title, except as provided by this title, shall be valid, and such compensation and  
741 benefits shall be exempt from all claims or creditors and from levy, execution, and attachment or  
742 other remedy for recovery or collection of a debt, which exemption may not be waived.

743       (t) Section 2318 (D.C. Official Code §1-623.18) is amended to read as follows:

744       “Sec. 2318. Compensation as lien against assets.

745       “Any person entitled to compensation under the provisions of this title shall have a lien  
746 against the Public Sector Workers' Compensation Program without limit of amount.

747       (u) Section 2319 (D.C. Official Code §1-623.19) is amended to read as follows:

748       “Sec. 2319. Collection of defaulted payments.

749       “(a) In case of default by the Public Sector Workers' Compensation Program in the  
750 payment of compensation due under any award of compensation for a period of 30 days after the  
751 compensation is due and payable, the person to whom such compensation is payable may, within  
752 2 years after such default, make application to the Mayor for a supplementary order declaring the  
753 amount of the default. After investigation, notice and hearing, as provided in § 1-623.20, the  
754 Mayor shall make a supplementary order, declaring the amount of the default, which shall be

755 filed in the same manner as the compensation order. In case the payment in default is an  
756 installment of the award the Mayor may, in their discretion, declare the whole of the award as the  
757 amount in default. The applicant may file a certified copy of such supplementary order with the  
758 Clerk of the Superior Court of the District of Columbia. Such supplementary order of the Mayor  
759 shall be final, and the Court shall, upon the filing of the copy, enter judgment for the amount  
760 declared in default by the supplementary order. No fee shall be required for filing the  
761 supplementary order nor for entry of judgment thereon, and the applicant shall not be liable for  
762 costs in a proceeding for review of the judgment unless the Court shall otherwise direct. The  
763 Court shall modify such judgment to conform to any later compensation order upon presentation  
764 of a certified copy thereof to the Court.

765 (v) Section 2320 (D.C. Official Code §1-623.20) is amended to read as follows:

766 “Sec. 2320. Procedure in respect of claims.

767 “(a) Subject to the provisions of § 1-623.14, a claim for compensation may be filed with  
768 the Mayor in accordance with regulations prescribed by the Mayor at any time after the first 3  
769 days of disability following any injury, or at any time after death, and the Mayor shall have full  
770 power and authority to hear and determine all questions in respect of any claim.

771 “(b) Within 10 days after such claim is filed, the Mayor shall notify the Public Sector  
772 Workers’ Compensation Program, the insurer or administrator, and any other person (other than  
773 the claimant), whom the Mayor considers an interested party, that a claim has been filed. Such  
774 notice may be served personally upon the Public Sector Workers’ Compensation Program or  
775 other person, or sent to the Public Sector Workers’ Compensation Program or person by  
776 registered or certified mail.

777           “(c) The Mayor shall make or cause to be made investigations of claims as they considers  
778 necessary, which may include processing the claim through a central system to give the Mayor  
779 an advisory opinion on the rate and degrees of disability. Upon application of any interested  
780 party the Mayor shall order a hearing within 90 days, unless the Mayor grants a special extension  
781 of time for the development of facts. The Mayor shall not use pre-hearing conferences to resolve  
782 workers’ compensation claims. If a hearing on the claim is ordered, the Mayor shall give the  
783 claimant and other interested parties at least 10 days’ notice of the hearing, served personally  
784 upon the claimant and other interested parties or sent to the claimant and other interested parties  
785 by registered or certified mail. No additional information shall be submitted by the claimant or  
786 other interested parties after the date of hearing, except under unusual circumstances as  
787 determined by the Mayor. Within 20 days after a hearing is held, the Mayor shall by order reject  
788 the claim or make an award in respect of the claim based on substantial evidence before them.  
789 The Mayor shall, by order, reject the claim or make an award in respect of the claim based upon  
790 substantial evidence before them, if no hearing is ordered within 20 days after notice is given as  
791 provided in subsection (b) of this section.

792           “(d) At such hearing the claimant and the Public Sector Workers’ Compensation Program  
793 may each present evidence in respect of such claim and may be represented by any person  
794 authorized in writing for such purpose.

795           “(e) The order rejecting the claim or making the award (referred to in this title as a  
796 compensation order) shall be filed with the Mayor, and a copy thereof shall be sent by registered  
797 or certified mail to the claimant and to the Public Sector Workers’ Compensation Program at the  
798 last known address of each.

799           “(f) An injured employee claiming or entitled to compensation shall submit to such  
800 physical examination by a medical officer of the District of Columbia or by a duly qualified  
801 physician or panel of physicians designated or approved by the Mayor as the Mayor may require.  
802 The place or places shall be reasonably convenient for the employee. Proceedings shall be  
803 suspended and no compensation be payable for any period during which the employee may  
804 refuse to submit to examination.

805           “(g) All medical reports submitted by the claimant or any other interested party shall  
806 become part of the record, except that the Mayor shall have the discretion to require the  
807 testimony at the hearing of any reporting physician. Copies of all medical reports submitted shall  
808 be supplied to any party upon request.

809           “(h) The Department of Employment Services, which writes regulations and administers  
810 the adjudicative functions of the present title, shall be wholly unaffiliated with and wholly  
811 independent of the Office of Risk Management, which represents the interests of the District  
812 government as employer under this title.

813           (w) Section 2321 (D.C. Official Code §1-623.21) is amended to read as follows:

814           “Sec. 2321. Presumptions.

815           “In any proceeding for the enforcement of a claim for compensation under this title it  
816 shall be presumed, in the absence of evidence to the contrary:

817                   “(1) That the claim comes within the provisions of this title;

818                   “(2) That sufficient notice of such claim has been given;

819                   “(3) That the injury was not occasioned solely by the intoxication of the injured  
820 employee; and

821                   “(4) That the injury was not occasioned by the willful intention of the injured  
822 employee to injure or kill themselves or another.

823                   (x) A new Section 2321a is created and the following language is inserted:

824                   “Sec. 2321a. Establishment of Compensation Order Review Board.

825                   “(a) There is hereby established a Compensation Order Review Board (“Board”) that  
826 shall consist of 5 members as follows:

827                   “(1) The Chief Judge of the Office of Hearings and Adjudication (“OHA”) within  
828 the Department of Employment Services who shall serve as Chairperson; and

829                   “(2) Four Administrative Law Judges from the OHA, who shall:

830                                   “(A) Be appointed by the Chairperson;

831                                   “(B) Have received an overall rating of satisfactory or above in their or her  
832 most recent performance review; and

833                                   “(C) Be a member in good standing of the OHA.

834                   “(b) The Chairperson shall have the authority to create from among the members of the  
835 Board one or more Compensation Order Review Panels (“panel”) which shall:

836                                   “(1) Consist of 3 members and may include the Chairperson;

837                                   “(2) Decide matters before it by majority vote; and

838                                   “(3) Be prohibited from discussing the compensation order with the

839 Administrative Law Judge who issued the compensation order while the matter is undergoing  
840 review.

841                   “(c) The Chairperson shall, within 7 days of an application for review being filed, create  
842 and assign a panel to review the application for review; provided, that no member of the panel is  
843 the Administrative Law Judge who issued the compensation order that is under review.

844           “(d) The panel shall:

845                   “(1) Review the compensation order for legal sufficiency;

846                   “(2) Dispose of the matter under review by issuing an order affirming the

847 compensation order; reversing the compensation order, in whole or in part, and amending the

848 order based on the panel’s findings, or by remanding the order to the issuing Administrative Law

849 Judge for further review; except, that:

850                   “(A) The panel shall affirm a compensation order that is based upon

851 substantial evidence and is in accordance with this title and other applicable laws and regulations

852 and shall not disturb factual findings contained in the compensation order that are supported by

853 substantial evidence; and

854                   “(B) Any reversal, in whole or in part, shall be supported by a written

855 order, which shall contain the legal and factual basis for the reversal, and may amend the

856 compensation order, in whole or in part, or remand the matter to the issuing Administrative Law

857 Judge for additional findings of fact or conclusions of law and the issuance of a compensation

858 order on remand; and

859                   “(3) Make its disposition within 30 days of being assigned the application for

860 review.

861           “(e) A party aggrieved by the compensation order on remand may appeal it in the same

862 manner as a compensation order.

863           (y) Section 2322 (D.C. Official Code §1-623.22) is amended to read as follows:

864           “Sec. 2322. Review of compensation orders.

865           “(a) A compensation order shall become effective when filed with the Mayor as provided  
866 in § 1-623.20, and, unless an application for review has been filed with the Board as provided in  
867 subsection (b) of this section, shall become final at the expiration of the 30th day thereafter.

868           “(b)(1) Amended to remove existing language.

869           “(2) Amended to remove existing language.

870           “(2A)(A) A party aggrieved by a compensation order may file an application for  
871 review with the Board within 30 days of the issuance of the compensation order. A party adverse  
872 to the review may file an opposition answer within 15 days of the filing of an application for  
873 review.

874           “(B) A Memorandum of Points and Authorities, which sets forth the legal  
875 and factual basis for the review or the opposition thereto, shall be filed with an application for  
876 review and an opposition answer; no further submissions shall be permitted, unless requested by  
877 the reviewing panel.

878           “(3) Pursuant to the District of Columbia Administrative Procedure Act, any party  
879 in interest who is adversely affected or aggrieved by a final decision rendered after review of a  
880 compensation order as provided in paragraph (2A) of this subsection or any party in interest who  
881 is adversely affected or aggrieved by a compensation order which has been filed as provided in  
882 section 2320 may petition for review of such decision or order by the District of Columbia Court  
883 of Appeals. If any party shall apply to the Court for leave to adduce additional evidence and shall  
884 show to the satisfaction of the Court that such additional evidence is material and that there were  
885 reasonable grounds for failure to adduce such evidence in the hearing before the Mayor, the  
886 Court may order such additional evidence to be taken before the Mayor, and to be made part of  
887 the record. The Court may remand the case for appropriate action.



888           “(c) If the Public Sector Workers’ Compensation Program or its officers or agents fail to  
889 comply with a compensation order making an award that has become final, any beneficiary of  
890 such award, or the Mayor, may apply for the enforcement of the order to the Superior Court of  
891 the District of Columbia for enforcement of such order and upon showing that the Public Sector  
892 Workers’ Compensation Program or their officers or agents have failed to comply therewith, the  
893 Court shall enforce obedience to the order by writ of injunction or by other proper process,  
894 mandatory or otherwise, to enjoin upon such person and their officers and agents compliance  
895 with the order.

896           “(d) Proceedings for suspending, setting aside, or enforcing a compensation order,  
897 whether rejecting a claim or making an award, shall not be instituted otherwise than as provided  
898 in this section and section 2320.

899           (z) Section 2323 (D.C. Official Code §1-623.23) is amended to read as follows:

900           “Sec. 2323. Appearance of Attorney General for the District of Columbia for Mayor.

901           “In any court proceedings instituted under the provisions of this title, the Attorney  
902 General of the District of Columbia shall represent the Mayor in any court in which such case  
903 may be carried on appeal.”

904           (aa) Section 2324 (D.C. Official Code §1-623.24) is amended to read as follows:

905           “Sec. 2324. Modification of awards.

906           “(a) At any time prior to one year after the date of the last payment of compensation or at  
907 any time prior to one year after the rejection of a claim, provided, however, that in the case of a  
908 claim filed pursuant to § 1-623(a)(3)(V) the time period shall be at any time prior to 3 years after  
909 the date of the last payment of compensation or at any time prior to 3 years after the rejection of  
910 a claim, the Mayor may, upon their own initiative or upon application of a party in interest, order

911 a review of a compensation case pursuant to the procedures provided in § 1-623.20 where there  
912 is reason to believe that a change of conditions has occurred which raises issues concerning:

913           “(1) The fact or the degree of disability or the amount of compensation payable  
914 pursuant thereto; or

915           “(2) The fact of eligibility or the amount of compensation payable pursuant to § 1-  
916 623.09.

917           “(b) A review ordered pursuant to subsection (a) of this section shall be limited solely to  
918 new evidence which directly addresses the alleged change of conditions.

919           “(c) Upon the completion of a review conducted pursuant to subsection (a) of this  
920 section, the Mayor shall issue a new compensation order which may terminate, continue,  
921 reinstate, increase, or decrease such compensation previously paid, or award compensation. An  
922 award increasing or decreasing the compensation rate may be made and shall be effective from  
923 the date of the Mayor’s order for a review of the compensation case. If, since the date of the  
924 Mayor’s order for a review of the compensation case, the Public Sector Workers’ Compensation  
925 Program has made any payments of compensation at a rate greater than the rate provided in the  
926 new compensation order, the Public Sector Workers’ Compensation Program shall be entitled to  
927 be reimbursed for the difference in accordance with rules promulgated by the Mayor. If, since  
928 the date of the Mayor’s order for review of the compensation case, the Public Sector Workers’  
929 Compensation Program has made any payments of compensation at a rate less than the rate  
930 provided in the new compensation order, the employee shall be entitled to the difference as  
931 additional compensation in accordance with rules promulgated by the Mayor.

932           “(d) A compensation order issued pursuant to subsection (c) of this section shall be  
933 reviewable pursuant to section 2322.

934 (bb) Section 2325 (D.C. Official Code §1-623.25) is amended to read as follows:

935 “Sec. 2325. Hearings before Mayor.

936 “(a) In making an investigation or inquiry or conducting a hearing the Mayor shall not be  
937 bound by common law or statutory rules of evidence or by technical or formal rules of  
938 procedure, except as provided by this title, but may make such investigation or inquiry or  
939 conduct such hearing in such manner as to best ascertain the rights of the parties. Prior to the  
940 hearing before the Mayor the parties may conduct such discovery, including but not limited to  
941 the use of interrogatories and depositions as, in the opinion of the Mayor, will be helpful in  
942 determining the rights of the parties. Declarations of a deceased employee concerning the injury  
943 in respect of which the investigation or inquiry is being made or the hearing conducted shall be  
944 received in evidence and shall, if corroborated by other evidence, be sufficient to establish the  
945 injury.

946 “(b) Hearings before the Mayor shall be open to the public and shall be reported  
947 stenographically or by such other method capable of producing an accurate transcript. The  
948 Mayor shall by regulation provide for the preparation of a record of the hearings and other  
949 proceedings before the Mayor.

950 (cc) Section 2326 (D.C. Official Code §1-623.26) is amended to read as follows:

951 “Sec. 2326. Attendance of witnesses.

952 The Mayor, on any matter within their jurisdiction under this subtitle, shall have the  
953 authority to:

954 (1) Issue subpoenas for and compel the attendance of witnesses within a radius of 100  
955 miles of the District of Columbia;

956 (2) Administer oaths;

957 (3) Examine witnesses; and

958 (4) Require the production of books, papers, documents, and other evidence.

959 (2) “No person shall be required to attend as a witness in any proceeding before the  
960 Mayor at more than 25 miles of the place of the hearing, unless their lawful mileage and fee for  
961 one day’s attendance shall be first paid or tendered to them; but the testimony of any witness  
962 including that of an interested party may be taken by deposition or interrogatories according to  
963 the rules of practice of the Superior Court of the District of Columbia.

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

965 “Sec. 2327. Witness fees.

966 “Witnesses summoned in a proceeding before the Mayor or whose depositions are taken  
967 shall receive the same fees and mileage as witnesses in the Superior Court of the District of  
968 Columbia.

969 (ee) Section 2328 (D.C. Official Code §1-623.28) is amended to read as follows:

970 “Sec. 2328. Costs in proceedings brought without reasonable grounds; penalty for  
971 unreasonable delay in payment of compensation.

972 “(a) If the trier of fact or court having jurisdiction of proceedings in respect of any claim  
973 or compensation order determines that the proceedings in respect of such claim or order have  
974 been instituted or continued without reasonable ground, the costs of such proceedings shall be  
975 assessed against the party who has so instituted or continued such proceedings.

976 “(b) If the Mayor or court determines that the Public Sector Workers’ Compensation  
977 Program or its carrier has delayed the payment of any installment of compensation to an  
978 employee in bad faith, the Public Sector Workers’ Compensation Program shall pay to the  
979 injured employee, for the duration of the delay, the actual weekly wage of the employee for the

980 period that the employee is eligible to receive workers' compensation benefits under this title.

981 The penalty shall be in addition to any amount paid pursuant to § 1-623.15.”

982 (ff) Section 2329 (D.C. Official Code §1-623.29) is amended to read as follows:

983 “Sec. 2329. Powers of Mayor.

984 “(a) The Mayor shall have the power to preserve and enforce order during any such  
985 proceedings, to issue subpoenas for, to administer oaths to, and to compel the attendance and  
986 testimony of witnesses, or the production of books, papers, documents, and other evidence, or  
987 the taking of depositions before any designated individual competent to administer oaths; to  
988 examine witnesses; and to do all things in conformity with law which may be necessary to enable  
989 them to effectively discharge the duties of their office.

990 “(b) If any person in proceedings before the Mayor disobeys or resists any lawful order or  
991 process, or misbehaves during a hearing or so near the place thereof as to obstruct the same, or  
992 neglects to produce, after having been ordered to do so, any pertinent book, paper, or document,  
993 or refuses to appear after having been subpoenaed, or upon appearing refuses to take the oath as  
994 a witness, or after having taken the oath refuses to be examined according to law, the Mayor  
995 shall certify the facts to the Superior Court of the District of Columbia which shall thereupon in a  
996 summary manner hear the evidence as to the acts complained of, and, if the evidence so  
997 warrants, punish such person in the same manner and to the same extent as for a contempt  
998 committed before the Court, or commit such person upon the same conditions as if the doing of  
999 the forbidden act had occurred with reference to the process of or in the presence of the Court.

1000 (gg) Section 2330 (D.C. Official Code §1-623.30) is amended to read as follows:

1001 “Sec. 2330. Attorney fees.

1002           “(a) If the Public Sector Workers’ Compensation Program or its carrier declines to pay  
1003 any compensation on or before the 30th day after receiving written notice from the Mayor that a  
1004 claim for compensation has been filed, on the grounds that there is no liability for compensation  
1005 within the provisions of this title, and the person seeking benefits thereafter utilizes the services  
1006 of an attorney-at-law in the successful prosecution of their claim, there shall be awarded, in  
1007 addition to the award of compensation, in a compensation order, a reasonable attorney’s fee  
1008 against the Public Sector Workers’ Compensation Program or its carrier in an amount approved  
1009 by the Mayor, or court, as the case may be, which shall be paid directly by the Public Sector  
1010 Workers’ Compensation Program or its carrier to the attorney for the claimant in a lump sum  
1011 after the compensation order becomes final.

1012           “(b) If the Public Sector Workers’ Compensation Program or its carrier pays or tenders  
1013 payment of compensation without an award pursuant to this title, and thereafter a controversy  
1014 develops over the amount of additional compensation, if any, to which the employee may be  
1015 entitled, the Mayor shall recommend in writing a disposition of the controversy. If the Public  
1016 Sector Workers’ Compensation Program or its carrier refuse to accept such written  
1017 recommendation, within 14 days after its receipt by them, they shall pay or tender to the  
1018 employee in writing the additional compensation, if any, to which they believe the employee is  
1019 entitled. If the employee refuses to accept such payment or tender of compensation and thereafter  
1020 utilizes the services of an attorney-at-law, and if the compensation thereafter awarded is greater  
1021 than the amount paid or tendered by the Public Sector Workers’ Compensation Program or its  
1022 carrier, a reasonable attorney’s fee based solely upon the difference between the amount awarded  
1023 and the amount tendered or paid shall be awarded in addition to the amount of compensation.  
1024 The foregoing sentence shall not apply if the controversy relates to degree or length of disability,

1025 and if the Public Sector Workers' Compensation Program or its carrier offers to submit the case  
1026 for evaluation by physicians employed or selected by the Mayor, as authorized in § 1-623.07(e),  
1027 and offers to tender an amount of compensation based upon the degree or length of disability  
1028 found by the independent medical report at such time as an evaluation of disability can be made.  
1029 If the claimant is successful in review proceedings before the Mayor or court in any such case, an  
1030 award may be made in favor of the claimant and against the Public Sector Workers'  
1031 Compensation Program or its carrier for a reasonable attorney's fee for claimant's counsel in  
1032 accordance with the above provisions. In all other cases any claim for legal services shall not be  
1033 assessed against the Public Sector Workers' Compensation Program or its carrier.

1034       “(c) In all cases, fees for attorneys representing the claimant shall be approved in the  
1035 manner herein provided. If any proceedings are had before the Mayor or any court for review of  
1036 any actions, award, order or decision, the Mayor or court may approve an attorney's fee for the  
1037 work done before them or it, as the case may be, by the attorney for the claimant. An approved  
1038 attorney's fee, in cases in which the obligation to pay the fee is upon the claimant, may be made  
1039 a lien upon the compensation due under an award, and the Mayor or court shall fix in the award  
1040 approving the fee such lien and manner of payment.

1041       “(d) In cases where an attorney's fee is awarded against the Public Sector Workers'  
1042 Compensation Program or its carrier there may be further assessed against the Public Sector  
1043 Workers' Compensation Program or its carrier as costs, fees and mileage for necessary witnesses  
1044 attending the hearing at the instance of claimant. Both the necessity for the witness and the  
1045 reasonableness of the fees of expert witnesses must be approved by the Mayor, or the court, as  
1046 the case may be. The amounts awarded against the Public Sector Workers' Compensation

1047 Program or its carrier as attorney’s fees, costs, fees and mileage of witnesses shall not in any  
1048 respect affect or diminish the compensation payable under this title.

1049 “(e) Any person who receives any fees, other consideration or any gratuity on account of  
1050 services rendered as a representative of a claimant, unless such consideration or gratuity is  
1051 approved by the Mayor or court, or who makes it a business to solicit employment for a lawyer,  
1052 or for themselves in respect of any claim or award for compensation, shall upon conviction  
1053 thereof for each offense be punished by a fine of not more than \$1,000 or by imprisonment for  
1054 not more than one year, or by both such fine and imprisonment.

1055 “(f) At no time shall an attorney’s fee be approved in excess of 20% of the actual benefit  
1056 secured through the efforts of the attorney. This provision applies to all benefits secured through  
1057 the efforts of an attorney, including settlements provided for under this title.

1058 **(hh)** Section 2331 (D.C. Official Code §1-623.31) is amended to read as follows:

1059 “Sec. 2331. Public Sector Workers’ Compensation Program record of injury or death.

1060 “The Public Sector Workers’ Compensation Program shall keep a record with respect of  
1061 any injury to an employee. Such record shall contain such information of disease, other  
1062 disability, or death in respect of such injury as the Mayor may by regulation require, and shall be  
1063 available for inspection by an authorized representative of the Mayor or of any agency of the  
1064 government of the District of Columbia at such times and under such conditions as the Mayor  
1065 may by regulation prescribe.

1066 (ii) Section 2332 (D.C. Official Code §1-623.32) is amended to read as follows:

1067 “Sec. 2332. Public Sector Workers’ Compensation Program reports.

1068 “(a) Within 10 days from the date of any injury or death or from the date that the Public  
1069 Sector Workers’ Compensation Program has knowledge of a disease or infection in respect of



1070 such injury, the Public Sector Workers' Compensation Program shall send to the Mayor a report  
1071 setting forth: (1) the name and address of the District government agency for whom the injured  
1072 employment; (2) the name, address, and occupation of the employee; (3) the cause and nature of  
1073 the injury or death; (4) the year, month, day, and hour when and the particular locality where the  
1074 injury or death occurred; and (5) such other information as the Mayor may require. The Public  
1075 Sector Workers' Compensation Program shall also send a copy of the report together with such  
1076 other information as may be required by the Mayor to the Department of Employment Services.  
1077 The Public Sector Workers' Compensation Program shall send to the employee or the  
1078 employee's next of kin, by certified mail, return receipt requested, concurrent with the  
1079 submission of the report to the Department of Employment Services, a statement of the  
1080 employee's rights and obligations pursuant to this title, including the right to file a claim for  
1081 compensation within one year from the date of injury or death.

1082       “(b) Additional reports in respect of such injury and of the condition of such employee  
1083 shall be sent by the Public Sector Workers' Compensation Program to the Mayor at such times  
1084 and in such manner as the Mayor may prescribe.

1085       “(c) Any report provided for in subsection (a) or (b) of this section shall not be evidence  
1086 of any fact stated in such report in any proceeding in respect of such injury or death on account  
1087 of which the report is made.

1088       “(d) The mailing of any such report and copy in a stamped envelope, within the time  
1089 prescribed in subsection (a) or (b) of this section, to the Mayor shall be a compliance with this  
1090 section.

1091           “(e) If the Public Sector Workers’ Compensation Program fails or refuses to send any  
1092 report required of them by this section they shall be subject to a civil penalty not to exceed  
1093 \$1,000 for each such failure or refusal.

1094           “(f) Where the Public Sector Workers’ Compensation Program or its carrier has been  
1095 given notice, or the Public Sector Workers’ Compensation Program (or their agent in charge of  
1096 the business in the place where the injury occurred) or its carrier has knowledge of any injury or  
1097 death of an employee and fails, neglects, or refuses to file report thereof as required by the  
1098 provisions of subsection (a) of this section, the limitations in § 1-623.14(a) shall not begin to run  
1099 against the claim of the injured employee or their dependents entitled to compensation, or in  
1100 favor of either the Public Sector Workers’ Compensation Program or its carrier, until such report  
1101 shall have been furnished as required by the provisions of subsection (a) of this section.

1102           “(g) On receiving the report provided by subsection (a) of this section, the Mayor shall  
1103 notify the injured employee of the employee’s rights and obligations under this title.

1104           (jj) Section 2333 (D.C. Official Code §1-623.33) is amended to read as follows:

1105           “Sec. 2333. Penalty for misrepresentation.

1106           “Any person who willfully makes any false or misleading statement or representation for  
1107 the purpose of obtaining any benefit or payment under this title shall be guilty of a misdemeanor  
1108 and on conviction thereof shall be punished by a fine of not to exceed \$1,000 or by imprisonment  
1109 of not to exceed one year, or by both such fine and imprisonment.

1110           (kk) Section 2334 (D.C. Official Code §1-623.34) is repealed.

1111           (ll) Section 2335 (D.C. Official Code §1-623.35) is amended to read as follows:

1112           “Sec. 2335. Compensation for injuries where third persons are liable.

1113           “(a) If, on account of a disability or death for which compensation is payable under this  
1114 title, the person entitled to such compensation determines that some person other than those  
1115 enumerated in § 1-623.04(b) is liable for damages, they need not elect whether to receive such  
1116 compensation or to recover damages against such third person.

1117           “(b) Acceptance of such compensation under an award in a compensation order filed with  
1118 the Mayor shall operate as an assignment to the Public Sector Workers’ Compensation Program  
1119 of all rights of the person entitled to compensation to recover damages against such third person  
1120 unless such person shall commence an action against such third person within 6 months after  
1121 such award. If the Public Sector Workers’ Compensation Program fails to commence an action  
1122 against such third person within 90 days after the cause of action is assigned under this section,  
1123 the right to bring the action shall revert to the person entitled to compensation.

1124           “(c) A payment made pursuant to §§ 1-623.09 and 1-623.40(d)(1) shall operate as an  
1125 assignment to the Public Sector Workers’ Compensation Program of all rights of the legal  
1126 representative of the deceased (hereinafter referred to as “representative”) to recover damages  
1127 against such third person.

1128           “(d) The Public Sector Workers’ Compensation Program on account of such assignment  
1129 may either institute proceedings for the recovery of such damages or may compromise with such  
1130 third person either without or after instituting such proceeding.

1131           “(e) Any amount recovered by the Public Sector Workers’ Compensation Program on  
1132 account of such assignment, whether or not as the result of a compromise, shall be distributed as  
1133 follows:

1134                   “(1) The Public Sector Workers’ Compensation Program shall retain an amount  
1135 equal to:

1136                           “(A) The expenses incurred by them in respect to such proceedings or  
1137 compromise (including a reasonable attorney’s fee as determined by the Mayor);

1138                           “(B) The cost of all benefits actually furnished by them to the employee  
1139 under § 1-623.07;

1140                           “(C) All amounts paid as compensation; and

1141                           “(D) The present value of all amounts thereafter payable as compensation,  
1142 such present value to be computed in accordance with a schedule prepared by the Mayor, and the  
1143 present value of the cost of all benefits thereafter to be furnished under § 1-623.07, to be  
1144 estimated by the Mayor, and the amounts so computed and estimated to be retained by the Public  
1145 Sector Workers’ Compensation Program as a trust fund to pay such compensation and the cost of  
1146 such benefits as they become due, and to pay any sum finally remaining in excess thereof to the  
1147 person entitled to compensation or to the representative; and

1148                           “(2) The Public Sector Workers’ Compensation Program shall pay any excess to  
1149 the person entitled to compensation or to the representative, less one fifth of such excess which  
1150 shall belong to the Public Sector Workers’ Compensation Program.

1151                           “(f) If the person entitled to compensation institutes proceedings within the period  
1152 described in subsection (b) of this section, the Public Sector Workers’ Compensation Program  
1153 shall be required to pay as compensation under this title a sum equal to the excess of the amount  
1154 which the Mayor determines is payable on account of such injury or death over the amount  
1155 recovered against such third person.

1156                           “(f-1) If the person entitled to compensation institutes proceedings within the period  
1157 described in subsection (b) of this section and recovers an amount against a third person, the  
1158 costs of litigation and attorneys’ fees shall be proportionally shared between the person entitled

1159 to compensation, or the employee’s eligible survivors or legal representative, and the Public  
1160 Sector Workers’ Compensation Program relative to the amount each received in the total  
1161 recovery against the third person.

1162 “(g) If compromise with such third person is made by the person entitled to compensation  
1163 or such representative of an amount less than the compensation to which such person or  
1164 representative would be entitled under this title, the Public Sector Workers’ Compensation  
1165 Program shall be liable for compensation as determined in subsection (f) of this section, only if  
1166 the written approval of such compromise is obtained from the Public Sector Workers’  
1167 Compensation Program and their insurance carrier by the person entitled to compensation or  
1168 such representative at the time of or prior to such compromise in a form and manner prescribed  
1169 by the Mayor.

1170 “(h) If the Public Sector Workers’ Compensation Program purchases private insurance  
1171 for purposes of this title, there shall be no distinction for purposes of this section between the  
1172 Public Sector Workers’ Compensation Program and its insurer.

1173 “(i) The right to compensation or benefits under this title shall be the exclusive remedy to  
1174 an employee when they are injured, or to their eligible survivors or legal representative if they  
1175 are killed, by the negligence or wrong of any other person or persons in the same employ;  
1176 provided, that this provision shall not affect the liability of a person other than an officer or  
1177 employee of the District government.

1178 (mm) Section 2336 (D.C. Official Code §1-623.36) is repealed.

1179 (nn) Section 2337 (D.C. Official Code §1-623.37) is amended to read as follows:

1180 “Sec. 2337. Discharge of liability.

1181            “If the Public Sector Workers’ Compensation Program elects not to self-insure, in order  
1182 that the liability for compensation imposed by this title may be most effectively discharged by  
1183 the Public Sector Workers’ Compensation Program, and in order that the administration of this  
1184 title in respect of such liability may be facilitated, the Mayor shall by regulation provide for the  
1185 discharge, by the carrier for the Public Sector Workers’ Compensation Program, of such  
1186 obligations and duties of the Public Sector Workers’ Compensation Program, in respect to such  
1187 liability, imposed by this title upon the Public Sector Workers’ Compensation Program, as they  
1188 consider proper in order to effectuate the provisions of this title. For such purposes:

1189            “(1) Notice to or knowledge of the Public Sector Workers’ Compensation  
1190 Program of the occurrence of the injury shall be notice to or knowledge of the carrier; and

1191            “(2) Any requirement by the Mayor or any court under any compensation order,  
1192 finding, or decision shall be binding upon the carrier in the same manner and to the same extent  
1193 as upon the Public Sector Workers’ Compensation Program.

1194            (oo) Section 2338 (D.C. Official Code §1-623.38) is amended to read as follows:

1195            “Sec. 2338. Insurance policies.

1196            The Public Sector Workers’ Compensation Program shall have full authority and  
1197 discretion to secure insurance or to self-insure, subject to rules identical to those governing  
1198 private employers. Any entity designated by the Mayor to function as insurer or administrator of  
1199 any compensation claim shall be wholly independent of the Department of Employment Services  
1200 and any other body having adjudicative authority over any claim arising under this title.

1201            (pp) Section 2339 (D.C. Official Code §1-623.39) is preserved as written.

1202            (qq) Section 2340 (D.C. Official Code §1-623.40) is amended to read as follows:

1203            “Sec. 2340. Administration fund.

1204           “There is maintained in the District of Columbia government the Employees’  
1205 Compensation Fund (“Fund”), which shall consist of sums that the Council of the District of  
1206 Columbia government or Congress, from time to time, may appropriate for or transfer to it and  
1207 amounts that otherwise accrue to it under this title or other statute. The Fund is available without  
1208 time limit for the payment of compensation and other benefits and expenses incurred to  
1209 implement the provisions of this title.

1210           (rr) Section 2341 (D.C. Official Code §1-623.41) is preserved as presently written:

1211           (ss) Section 2342 (D.C. Official Code §1-623.42) is amended to read as follows:

1212           “Sec. 2342. Retaliatory actions by District government prohibited.

1213           “It shall be unlawful for the District government or their duly authorized agent to  
1214 discharge or in any other manner discriminate against an employee as to their employment  
1215 because such employee has claimed or attempted to claim compensation from the Public Sector  
1216 Workers’ Compensation Program, or because they have testified or is about to testify in a  
1217 proceeding under this title. Any employee so discriminated against shall be restored to their  
1218 employment and shall be compensated by the District government for any loss of wages arising  
1219 out of such discrimination; provided, that if such employee ceases to be qualified to perform the  
1220 duties of their employment, they shall not be entitled to such restoration and compensation. Any  
1221 provision in an insurance policy undertaking to relieve the District government from liability for  
1222 such penalties and payments shall be void.

1223           (tt) A new Section 2342c is added to read as follows:

1224           “Sec. 2342c. Compliance.

1225           “(a) The Director of Employment Services (“Director”) shall assign from the workforce  
1226 in the Workers’ Compensation office a staff for the enforcement of Public Sector Workers’  
1227 Compensation Program compliance with workers’ compensation requirements.

1228           “(b) The Director shall file a semi-annual compliance report with the Council by March  
1229 31st and by September 30th, which shall contain detailed and comprehensive information about  
1230 the compliance enforcement activities during the preceding 6 months.

1231           (uu) Section 2343 (D.C. Official Code §1-623.43) is amended to read “Any employee  
1232 who has used leave as a result of a job-related injury or occupational disease or illness approved  
1233 by the District government shall have such leave restored to their credit in accordance with rules  
1234 and regulations established in the Private Sector Act, D.C. Code Sec. 32-1501 et seq.

1235           (vv) Section 2344 (D.C. Official Code §1-623.44) is amended to read as follows:

1236           “Sec. 2344. Severability.

1237           “Should a court of competent jurisdiction declare any provision of this title to be  
1238 unconstitutional or beyond the authority of the Council of the District of Columbia, such  
1239 declaration shall have no effect upon any other provision of this title.

1240           (ww) “A new section 2344a is added to read as follows:

1241           “The regulations, rights, obligations under this act shall be construed or interpreted  
1242 consistent with regulations, rights, and obligations under the District of Columbia Workers’  
1243 Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code 32-1501  
1244 *et seq.*), except where the language is not the same or substantially the same.

1245           (xx) “A new section 2344c is added to read as follows:

1246           “Sec. 2344b. Administration.



1247           “The same agency that has authority to promulgate rules under the District of Columbia  
1248 Workers’ Compensation Act of 1979, effective July 1, 1980 (D.C. Law 3-77; D.C. Official Code  
1249 32-1501 *et seq.*), shall be responsible for promulgating rules and regulations under this title.

1250           (yy) Section 2345 (D.C. Official Code §1-623.45) is amended to add a section “(d): the  
1251 rights in this section will be justiciable in accordance with the rest of the Act, in particular Sec.  
1252 2320.

1253           (zz) Section 2346 (D.C. Official Code §1-623.46) is not amended.

1254           (aaa) Section 2347 (D.C. Official Code §1-623.47) is not amended.

1255           Sec. 3. Conforming amendments.

1256           All functions, personnel, records, and property assigned to the Office of Risk Management  
1257 pursuant to Section 7 of Reorganization Plan No. 1 of 2003, effective December 15, 2003 (D.C.  
1258 Official Code 1-1518.01), pertaining to adjudicating claims, shall be transferred to the  
1259 Department of Employment Services. Authority for drafting regulations and adjudicating claims  
1260 shall be assigned to the Department of Employment Services. Authority vested in the Office of  
1261 Risk Management as representing the interests of the District government as employer shall be  
1262 preserved, but the Office of Risk Management shall not have any regulatory or adjudicatory  
1263 authority under the present title.

1264           (a) A new section is added to D.C. Official Code §1-1504.02, Part (C), reading as follows:

1265           “The rules and standards for the Division of Public Sector Compensation shall be  
1266 identical to those for the private sector.”

1267           (b) Section 6(b)(1) of the Office of Administrative Hearings Establishment Act of 2001 (D.C.  
1268 Official Code § 2-1831, *et seq*) is amended by striking the word “private.”

1269 Section 12 of the Uniform Emergency Volunteer Health Practitioners Act of 2010 (D.C.  
1270 Official Code § 7-2361.01, *et seq*) is amended by striking the phrase “§1-623.03” and replacing  
1271 it with “§1-623.07.”

1272 Sec. 4. Applicability

1273 (a) As of January 1, 2024 or on the effective date of the Public Sector Injured Workers’  
1274 Equality Amendment Act of 2024, whichever occurs last, the provisions of the Public Sector  
1275 Injured Workers’ Equality Amendment Act of 2024 (citation) shall apply to all claims arising  
1276 under title 23 of the District of Columbia Government Comprehensive Merit Personnel Act,  
1277 effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code 1-623.01 *et seq.*), provided that:

1278 (i) any claim that was resolved by final order or full and final settlement under former  
1279 Sec. 1-623.35 cannot be reopened;

1280 (ii) any and all orders issued prior to January 1, 2024 by any adjudicative body, whether  
1281 the Office of Administrative Hearings, the Office of Hearings and Adjudication, the  
1282 Administrative Hearings Division, the Compensation Review Board, the Director of the  
1283 Department of Employment Services in their adjudicative capacity, or the District of Columbia  
1284 Court of Appeals shall remain in effect, except insofar as they prejudice the rights of claimants to  
1285 benefits to which they may be eligible after January 1, 2024.

1286 (iii) Under no circumstances shall the Public Sector Workers’ Compensation Program  
1287 claim credit for overpayment to a Claimant for any payment made prior to January 1, 2024 based  
1288 on a position that the sum payable pursuant to the prior version of this Act was higher than the  
1289 sum payable pursuant to this amended Act. This rule does not preclude possible recovery or  
1290 credit for other reasons—for instance, if the Claimant was determined to have been working  
1291 while receiving benefits.

1292 (iv) Any across-the-board increase awarded to employees pursuant to Sections 611.05  
1293 and 611.06 shall apply to compensation benefits for disability or death under this title. The  
1294 percentage amount and effective date of those increases shall be the same as for any increase  
1295 granted under these sections. For the purposes of this section, the term "across-the-board  
1296 increase" means a general pay and salary increase of general applicability that applies to a  
1297 claimant's service or specific pay schedule. This section shall not apply to any collective  
1298 bargaining agreements that are to the contrary.

1299 Sec. 5. Fiscal impact statement.

1300 The Council adopts the fiscal impact statement in the committee report as the fiscal  
1301 impact statement required by section 4a of the General Legislative Procedures Act of 1975,  
1302 approved October 16, 2006 (12 Stat. 2038; D.C. Official Code § 1-301.47a).

1303 Sec. 6. Effective date.

1304 This act shall take effect following approval by the Mayor (or in the event of veto by the  
1305 Mayor, action by the Council to override the veto), a 30-day period of Congressional review as  
1306 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December  
1307 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of  
1308 Columbia Register.

1309