

**DISTRICT OF COLUMBIA RETIREMENT BOARD****NOTICE OF PROPOSED RULEMAKING**

The District of Columbia Retirement Board (the “Board”), pursuant to the authority set forth in section 121(k) of the District of Columbia Retirement Reform Act (the “Reform Act”), Pub. L. 96-122, 93 Stat. 866, November 17, 1979 (codified at D.C. Official Code § 1-711(k) (2011 Repl.)), hereby gives notice of its intent to adopt the following amendment to the Board Classification and Compensation Program Regulations at Chapter 18 of Title 7 in the District of Columbia Municipal Regulations (“DCMR”) in not less than thirty (30) days from the date of publication of this notice in the *D.C. Register*.

The Board was established by the Reform Act as an independent agency of the District of Columbia. The Board is responsible for managing and controlling the Police Officers and Fire Fighters’ Retirement Fund and the Teachers’ Retirement Fund, as well as implementing and administering the retirement and post-employment benefit programs for members and officers of the Metropolitan Police Department and the Fire and Emergency Medical Services Department of the District of Columbia, and the teachers in the public day schools of the District of Columbia.

The Retirement Reform Amendment Act of 2004 (the “Amendment Act”), effective April 8, 2005 (D.C. Law 15-300), amended the Reform Act to expand the Board’s personnel authority to establish classification and compensation for its employees. The Amendment Act stipulates that the Board has exclusive authority to establish by regulation the alternative benefits requirements for its employees to recruit and retain highly qualified personnel.

The proposed alternative benefits rule would allow the Board to establish an enhanced benefit for Board staff. The Board approved the proposed rule on September 20, 2012. Upon adoption, this rule will amend section 1805 of Chapter 18 of Title 7 DCMR, published at 59 DCR 10874 (September 14, 2012).

**CHAPTER 18****DISTRICT OF COLUMBIA RETIREMENT BOARD CLASSIFICATION AND  
COMPENSATION PROGRAM REGULATIONS**

*Section 1805 of Chapter 18 of the District of Columbia Retirement Board  
Classification and Compensation Program Regulations is amended as follows:*

*A new subsection 1805.5 is added to read as follows:*

1805.5        The Retirement Board may provide a nonqualified deferred compensation plan under section 457(f) and 409A of the Internal Revenue Code (Code) for key management employees, described as follows:

- (a) The Retirement Board shall determine those employees eligible to participate in the plan.
- (b) The plan document shall include the terms, conditions, and provisions of the plan, including the terms of any substantial risk of forfeiture for purposes of section 457(f) of the Code.
- (c) The plan shall be a nonqualified deferred compensation plan as defined in section 457(f) of the Code and shall comply with section 409A of the Code.

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