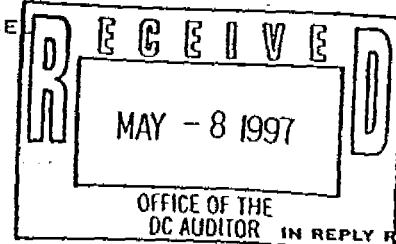


Government of the District of Columbia

OFFICE OF THE CORPORATION COUNSEL
JUDICIARY SQUARE
441 FOURTH ST., N.W.
WASHINGTON, D. C. 20001



IN REPLY REFER TO:
OLC:LNG:lng
(AL-97-258)

May 1, 1997

Diane E. Smith
Office Manager
Advisory Neighborhood Commission 5-B
1355-57 New York Avenue, N.E.
Washington, D.C. 20002

Re: Annual leave, sick leave, and medical insurance
for an Advisory Neighborhood Commission employee

Dear Ms. Smith:

This is in response to your April 30, 1997 letter concerning annual leave, sick leave, and medical insurance for an employee of an Advisory Neighborhood Commission (ANC).

Section 16(o) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(o) (1996 Supp.), provides in pertinent part:

A Commission may employ any person necessary to provide administrative support to the Commission. ... An employee of the Commission shall be considered an employee of the District of Columbia government for the purposes of subchapters XXII and XXIII of Chapter 6 of this title.

Chapter 6 of Title 1 of the D.C. Code sets forth the provisions of the District of Columbia Government Comprehensive Merit Personnel Act ("Merit Personnel Act"). Subchapters XXII and XXIII of Chapter 6 of title 1 of the D.C. Code relate to health insurance benefits and life insurance benefits, respectively. Thus, an employee of an ANC is eligible for the health insurance benefits and life insurance benefits that are available under the Merit Personnel Act to District government employees first employed after October 1, 1987. If the ANC 5-B employee or prospective employee elects to take advantage of one or both of these benefits or requests more information about these benefits, you should contact Deborah Avent of the D.C. Office of Personnel, 441 4th Street, N.W., Suite 330 South, Washington, D.C. 20001, tel. 727-9625.

An employee of an ANC is not considered to be an employee of the District of Columbia government for the purposes of sick and annual leave. Thus, the source of any sick and annual leave benefits that an ANC employee would enjoy would not be the Merit Personnel Act, but rather would be the employment contract entered into by the ANC and the employee. An ANC is not required to give an employee any sick or annual leave benefits, but may do so if it wishes. We strongly recommend that a contract of employment between an ANC and its employee be in writing. A written contract setting forth all the terms of employment, such as compensation, hours of work, duties, and benefits (such as sick and annual leave), reduces the likelihood of subsequent employment disputes between the ANC and the employee arising out of misunderstandings.¹

If you have any questions about this advice, you may call me at 727-3400.

Sincerely,

Jo Anne Robinson
Interim Corporation Counsel

By:



Leo N. Gorman
Assistant Corporation Counsel
Office of Legal Counsel

cc: The Honorable Kathleen Patterson
Chairperson, Committee on Government Operations
Council of the District of Columbia

Willie Vazquez, Director
Office of the Ombudsman

Ayo Bryant
Director
Office of Diversity and Special Services

Anthony Cooper
D.C. Auditor

Deborah Avent
D.C. Office of Personnel

¹ In this regard, it is relevant to note that section 16(o) of the Advisory Neighborhood Commissions Act of 1975, D.C. Code § 1-264(o) (1996 Supp.), provides in pertinent part that: "A Commission shall establish position descriptions for employees that shall, at a minimum, broadly identify the qualifications and duties of the employees."