

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
D.C. Department of Human Resources**

**District Personnel Manual Issuance System**

**DPM Instruction No. 4-23 & 8-72**

This E-DPM issuance may be accessed electronically at [www.dchr.dc.gov](http://www.dchr.dc.gov), by clicking on the "District Personnel Manual" link; and the "Issuances" link for Chapter(s): **4 & 8**

**SUBJECT:** Granting of a Variation to Subsections 816.1, 870.1, 870.2, 870.5, and 870.53 (b) of Chapter 8, Career Service, of Subtitle B of Title 6 of the District of Columbia Municipal Regulations

**Date:** April 30, 2013

**1. General Information on Variations**

Subsection 400.1 of Chapter 4, Organization for Personnel Management, of Subtitle B of Title 6 of the District of Columbia Municipal Regulations (DCMR), authorizes the Director of the D.C. Department of Human Resources (DCHR) to grant a variation from the strict letter of the regulations if such variation is within the spirit of the regulations and the efficiency of the District government; and the integrity of the Career, Legal, Excepted, Management Supervisory, or Executive Services is being protected and promoted.

Subsection 400.3 of the regulations specifies that whenever a variation is granted, the Director, DCHR, shall publish a statement in the District Personnel Manual (or any other procedural manual developed) showing the following:

- a. The particular practical difficulty or hardship involved;
- b. The variation being permitted, the difference from the requirements of the regulations, and to whom it applies;
- c. The specific circumstances which protect or promote the efficiency of the District government and the integrity of a particular service or services; and
- d. The steps that will be taken to limit the application of the variation only to the duration of the conditions that gave rise to it.

**2. Information with Respect to the Variation being Granted**

- a. Currently, subsection 816.1 (a) and (b) of Chapter 8, Career Service, provide that:

Subsection 816.1

*Except for a person who has a retreat right to a position in the Career Service as provided in chapter 9 or 10 of these regulations, a person shall have reinstatement eligibility for three (3)*

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**Note:** E-DPM instructions that are strictly procedural in nature have direct applicability only to agencies and employees under the personnel authority of the Mayor. Other personnel authorities or independent agencies may adopt any or all of these procedures or guidance materials for agencies and employee under their respective jurisdictions.

**Inquiries:** Policy, Office of the Director, DCHR (202) 442-9700

**Distribution:** Heads of Department and Agencies, HR Advisors, and DPM Subscribers

**Retain Until Superseded**

*years following the date of his or her separation if he or she meets both of the following requirements:*

*(a) The person previously held a Career Appointment (Permanent); and*

*(b) The person was not terminated for cause under chapter 16 of these regulations.*

- b. Currently, subsections 870.1, 870.2, 870.5 and 870.53 (b) of Chapter 8, Career Service, provide that:

Subsection 870.1

*For the purposes of this section, the following terms have the meaning ascribed:*

***Certificate of Eligibles (Certificate)*** – *the list of candidates selected from a Register for consideration for appointment to a position.*

***Disposition*** – *the final status of individuals considered for appointment from a Certificate, indicated on a Certificate of Eligibles by means of the coding system described in section 870.8 of this section.*

***Firefighter/Emergency Medical Technician (EMT)*** – *an employee of the Fire and Emergency Medical Services Department (FEMSD) who is cross-trained as a Firefighter and an EMT.*

***Firefighter/Paramedic*** – *an employee of the FEMSD who is cross-trained as a Firefighter and a Paramedic. The Term “Paramedic” includes EMT/Intermediate (EMI/I) and Basic Paramedic (EMT/P).*

***Register*** – *a list of all individuals eligible for consideration for appointment to a position.*

***Unassembled examination*** – *an examination that does not require a written test.*

Subsection 870.2

*Appropriate staff within the personnel authority will establish a Register of eligible candidates for the positions of Firefighter/EMT and Firefighter/Paramedic. Each Register will include the numerical rank, name, and social security number of all eligible candidates.*

Subsection 870.5

*Following the establishment of a Register, each candidate who passes the entry-level examination for Firefighter/EMT and Firefighter/Paramedic or is qualified by unassembled examination will be required to:*

*(a) Take a physical abilities test (PAT) to assess his or her physical abilities to perform the duties of a Firefighter/Paramedic;*

- (b) Undergo a background investigation to determine suitability for appointment; and*
- (c) Be determined to be medically and psychologically qualified to perform in the position for which he or she is being considered.*

Subsection 870.53

*When each name has been certified and the last Certificate returned to the D.C. Office of Personnel, the Director, D.C. Office of Personnel, will do either of the following:*

- (a) Terminate the Register; or*
  - (b) If there is a need for any entry-level Firefighter/EMT or Firefighter/Basic Paramedic to be hired, prior to the time that a new Register will be available, instruct the appropriate staff within the D.C. Office of Personnel to arrange for consideration of those candidates who are still eligible and have been placed at the bottom of the Register in accordance with this section, by the same procedure as was used with the candidates previously considered.*
- c. Pursuant to 4 D.P.M subsection 400.1, the D.C. Fire and Emergency Medical Services Department (FEMSD) is requesting a variance authorizing the FEMSD to hire single-role providers, granting preference to:
- a. Individuals who have completed a District of Columbia sponsored emergency medical technician or paramedic program;
  - b. Retired military veterans;
  - c. Former FEMSD employees who were not terminated for cause, but may be outside the 3-year reinstatement eligibility threshold set forth in subsection 816.1 of Chapter 8 of the District Personnel Manual (DPM)—so long as these former employees left the Department in good standing; and
  - d. Persons who possess National Registry and Emergency Medical Technician (NREMT) and Department of Health (DOH) certifications.

**3. Variation Being Granted via this E-DPM Instruction**

- a. Due to the reasons stated in Paragraph 2(b) above, and pursuant to subsection 401.1 of the regulations, the Director, DCHR, hereby grants a variation to provisions in subsections 816.1, 870.1, 870.2, 870.5, and 870.53 (b) of Chapter 8 of the D.C. personnel regulations, Career Service, concerning the Processing Entry-Level Candidates for Firefighter/Emergency Medical Technician (EMT) and Firefighter/Paramedic positions.

- b. The variation being granted via this E-DPM instruction, which is applicable to eligible employees identified in section 800, Applicability, of Chapter 8, Career Service, of Subtitle B of Title 6 of the DCMR, is as follows:

**Subsection 816.1**

*Except for a person who has a retreat right to a position in the Career Service as provided in chapter 9 or 10 of these regulations, a person applying for employment with the Fire and Emergency Medical Services Department (FEMSD) shall have reinstatement eligibility outside the three (3) years following the date of his or her separation if he or she meets both of the following requirements:*

- (a) *The person previously held a Career Appointment (Permanent); and*
- (b) *The person was not terminated for cause under chapter 16 of these regulations.*

**Subsection 870.1**

*For the purposes of this section, the following terms have the meaning ascribed:*

***Certificate of Eligibles (Certificate)*** – *the list of candidates selected from a Register for consideration for appointment to a position.*

***Disposition*** – *the final status of individuals considered for appointment from a Certificate, indicated on a Certificate of Eligibles by means of the coding system described in section 870.8 of this section.*

***Firefighter/Emergency Medical Technician (Firefighter/EMT)*** – *an employee of the Fire and Emergency Medical Services Department (FEMSD) who is cross-trained as a Firefighter and an EMT.*

***Firefighter/Paramedic*** – *an employee of the FEMSD who is cross-trained as a Firefighter and a Paramedic. The Term “Paramedic” includes EMT/Intermediate (EMT/I) and Basic Paramedic (EMT/P).*

***Emergency Medical Technician (EMT)*** – *an employee of the Fire and Emergency Services Department (FEMSD) who is trained in a single-role as an EMT.*

***Paramedic*** – *an employee of the FEMSD who is trained in a single-role as a Paramedic. The Term “Paramedic” includes EMT/Intermediate (EMT/I) and Basic Paramedic (EMT/P).*

***Register*** – *a list of all individuals eligible for consideration for appointment to a position.*

***Unassembled examination*** – *an examination that does not require a written test.*

Subsection 870.2

*Appropriate staff within the personnel authority will establish a Register of eligible candidates for the positions of Firefighter/EMT, Firefighter/Paramedic, EMT and/or Paramedic. Each Register will include the numerical rank, name, and social security number of all eligible candidates.*

Subsection 870.5

*Following the establishment of a Register, each candidate who has passed the entry-level examination for Firefighter/EMT, Firefighter/Paramedic, EMT or Paramedic or is qualified by unassembled examination will be required to:*

- (a) Take a physical abilities test (PAT) to assess his or her physical abilities to perform the duties of the applicable position;*
- (b) Undergo a background investigation to determine suitability for appointment; and*
- (c) Be determined to be medically and psychologically qualified to perform in the position for which he or she is being considered.*

Subsection 870.53

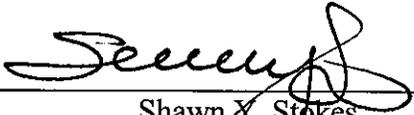
*When each name has been certified and the last Certificate returned to the D.C. Office of Personnel, the Director, D.C. Office of Personnel, will do either of the following:*

- (a) Terminate the Register; or*
  - (b) If there is a need for any entry-level Firefighter/EMT, Firefighter/ Paramedic, EMT or Paramedic to be hired, prior to the time that a new Register will be available, instruct the appropriate staff within the D.C. Office of Personnel to arrange for consideration of those candidates who are still eligible and have been placed at the bottom of the Register in accordance with this section, by the same procedure as was used with the candidates previously considered.*
- c. Given the circumstances of this variation, its application will be strictly limited to the period needed to complete the action(s)/process(es) described in Paragraph 3(a) and (b) (above) of this E-DPM issuance.

#### 4. Required Statement Concerning the Variation

In accordance with the provisions of subsection 400.3 of Chapter 4, Organization for Personnel Management, this E-DPM instruction constitutes the statement required under this section of the regulations concerning the variation being granted. The particular practical difficulty or hardship requiring the granting of this variation stems from the following:

- a. The Department is seeking to fill a number of vacancies within the organization, created by the departure of paramedics and emergency medical technicians. The variation being requested will allow the Department to hire individuals—including, but not limited to, former single role employees, former dual-role employees and eligible military veterans- who either currently possess the requisite certifications from the National Registry of Emergency Medical Technicians (NREMT) and Department of Health (DOH) or who, based on their knowledge and experience are most ready to obtain these certifications. The requested variance will permit the Department to dispatch the newly hired paramedics and EMT's into the field without the delay commensurate with cross-training these individuals as firefighters as outlined in the current regulations. The variance will better enable the Department to meet the immediate needs of the District of Columbia residents and visitors.
- b. More specifically, the Director, DCHR, shall issue an amendment to the rules in the near future to clarify the substantive changes referenced in paragraph 3 (a) and (b) to the district personnel regulations. The amended rules, when published in final, will eliminate the need to grant a variation such as this in the future.

  
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Shawn Y. Stokes  
Director