Public Law 92-518

AN ACT

October 21, 1972
[H.R. 15965]

To amend the District of Columbia Teachers' Salary Act of 1955 to increase salaries, to provide certain revisions in the retirement benefits of public school teachers, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

D.C. Teachers, salary increase.

TITLE I—SALARY INCREASES FOR DISTRICT OF COLUMBIA TEACHERS AND SCHOOL OFFICERS

Citation of title.

SEC. 101. This title may be cited as the "District of Columbia Teachers' Salary Act Amendments of 1972".

69 Stat. 521; 84 Stat. 358.

SEC. 102. (a) Section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) is amended to read as follows:

"SECTION 1. The following is the salary schedule for teachers, school officers, and certain other employees of the Board of Education whose positions are covered under this Act:

AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
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"TEACHERS AND SCHOOL OFFICERS SALARY SCHEDULE

"Salary class and group	Service step— 1	2	3	4	5	6	7	8	9	10	11	12	13	Longevity step Y
Class 1A	39,500													
Class 1B	35,000													
Class 2A	33,000													
Class 2B	31,000													
Class 3	23,745	24,310	24,875	25,440	26,005	26,570	27,135	27,700	28,265					
Class 4	20,845	21,335	21,825	22,315	22,805	23,295	23,785	24,275	24,765					
Class 5:														
Group B, master's degree	19,665	20,135	20,605	21,075	21,545	22,015	22,485	22,955	23,425					
Group C, master's degree plus 30	20,085	20,555	21,025	21,495	21,965	22,435	22,905	23,375	23,845					
Group D, doctor's	20,500	20,970	21,440	21,910	22,380	22,850	23,320	23,790	24,260					
Class 6:														
Group B, master's degree	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level IV principal	19,110	19,565	20,020	20,475	20,930	21,385	21,840	22,295	22,750					
Level III principal	18,560	19,015	19,470	19,925	20,380	20,835	21,290	21,745	22,200					
Level II principal	18,010	18,465	18,920	19,375	19,830	20,285	20,740	21,195	21,650					
Level I principal	17,455	17,910	18,365	18,820	19,275	19,730	20,185	20,640	21,095					
Group C, master's degree plus 30	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level IV principal	19,530	19,985	20,440	20,895	21,350	21,805	22,260	22,715	23,170					
Level III principal	18,975	19,430	19,885	20,340	20,795	21,250	21,705	22,160	22,615					
Level II principal	18,425	18,880	19,335	19,790	20,245	20,700	21,155	21,610	22,065					
Level I principal	17,875	18,330	18,785	19,240	19,695	20,150	20,605	21,060	21,515					
Group D, doctor's degree	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level IV principal	19,945	20,400	20,855	21,310	21,765	22,220	22,675	23,130	23,585					
Level III principal	19,395	19,850	20,305	20,760	21,215	21,670	22,125	22,580	23,035					
Level II principal	18,840	19,295	19,750	20,205	20,660	21,115	21,570	22,025	22,480					
Level I principal	18,290	18,745	19,200	19,655	20,110	20,565	21,020	21,475	21,930					
Class 7:														
Group B, master's degree	17,304	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,660					
Group C, master's degree plus 30	17,755	18,170	18,585	19,000	19,415	19,830	20,245	20,660	21,075					
Group D, doctor's	18,170	18,585	19,000	19,415	19,830	20,245	20,660	21,075	21,490					
Class 8:														
Group B, master's degree	15,835	16,240	16,645	17,050	17,455	17,860	18,265	18,670	19,075					
Group C, master's degree plus 30	16,255	16,660	17,065	17,470	17,875	18,280	18,685	19,090	19,495					
Group D, doctor's	16,670	17,075	17,480	17,885	18,290	18,695	19,100	19,505	19,910					
Class 9:														
Group B, master's degree	15,685	16,070	16,455	16,840	17,225	17,610	17,995	18,380	18,765					
Group C, master's degree plus 30	16,105	16,490	16,875	17,260	17,645	18,030	18,415	18,800	19,185					
Group D, doctor's	16,520	16,905	17,290	17,675	18,060	18,445	18,830	19,215	19,600					

"TEACHERS AND SCHOOL OFFICERS SALARY SCHEDULE—Continued

"Salary class and group	Service step— 1	2	3	4	5	6	7	8	9	10	11	12	13	Longevity step Y
Class 10:														
Group B, master's degree	15,080	15,455	15,830	16,205	16,580	16,955	17,330	17,705	18,080					
Group C, master's degree plus 30	15,500	15,875	16,250	16,625	17,000	17,375	17,750	18,125	18,500					
Group D, doctor's	15,915	16,290	16,665	17,040	17,415	17,790	18,165	18,540	18,915					
Class 11:														
Group B, master's degree	14,625	14,985	15,345	15,705	16,065	16,425	16,785	17,145	17,505					
Group C, master's degree plus 30	15,045	15,405	15,765	16,125	16,485	16,845	17,205	17,565	17,925					
Group D, doctor's	15,460	15,820	16,180	16,540	16,900	17,260	17,620	17,980	18,340					
Class 12:														
Group B, master's degree	14,125	14,470	14,815	15,160	15,505	15,850	16,195	16,540	16,885					
Group C, master's degree plus 30	14,540	14,885	15,230	15,575	15,920	16,265	16,610	16,955	17,300					
Group D, doctor's	14,960	15,305	15,650	15,995	16,340	16,685	17,030	17,375	17,720					
Class 13:														
Group B, master's degree	12,925	13,340	13,775	14,170	14,585	15,000	15,415	15,830	16,245					
Group C, master's degree plus 30	13,345	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665					
Group D, doctor's	13,760	14,175	14,590	15,005	15,420	15,835	16,250	16,665	17,080					
Class 14:														
Group A, bachelor's degree	9,900	10,335	10,770	11,205	11,640	12,075	12,510	12,945	13,380	13,815	14,250	14,685	15,120	
Group B, master's degree	10,730	11,165	11,600	12,035	12,470	12,905	13,340	13,775	14,210	14,645	15,080	15,515	15,950	
Group C, master's degree plus 30	11,150	11,585	12,020	12,455	12,890	13,325	13,760	14,195	14,630	15,065	15,500	15,935	16,370	
Group D, doctor's	11,565	12,000	12,435	12,870	13,305	13,750	14,175	14,610	15,045	15,480	15,915	16,350	16,785	
Class 15:														
Group A, bachelor's degree	8,350	8,685	9,020	9,355	9,690	10,025	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,965
Group A-1, bachelor's degree plus 15	8,770	9,105	9,440	9,775	10,110	10,445	10,865	11,285	11,705	12,125	12,545	12,965	13,385	14,800
Group B, master's degree	9,190	9,610	10,030	10,430	10,870	11,290	11,810	12,330	12,850	13,370	13,890	14,410	14,930	16,300
Group C, master's degree plus 30	9,610	10,030	10,450	10,870	11,290	11,710	12,230	12,750	13,270	13,790	14,310	14,830	15,350	16,730
Group D, master's degree plus 60 or doctor's	10,030	10,450	10,870	11,290	11,710	12,130	12,650	13,170	13,690	14,210	14,730	15,250	15,770	17,270".

Summer school, adult education, etc.
84 Stat. 363.

(b) The schedule of pay rates contained in subsection (a) of section 13 of such Act (D.C. Code, sec. 31–1542(a)) is amended to read as follows:

"Classification	Per period		
	Step 1	Step 2	Step 3
Summer school (regular):			
Teacher, elementary and secondary schools; counselor, elementary and secondary schools; librarian, elementary and secondary schools; school social worker; speech correctionist; school psychologist	$7.39	$8.38	$9.44
Psychiatric social worker	8.50	9.64	10.86
Veterans' summer school centers: Teacher	7.39	8.38	9.44
Adult education schools:			
Teacher	8.13	9.22	10.38
Assistant principal	11.38	12.91	14.53
Principal	12.60	14.29	16.09".

Future pay increases; effective date.

Ante, p. 1005.

(c)(1)(A) Effective on the first day of the first pay period beginning on or after September 1, 1973, each rate of compensation in the salary schedule in section 1 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1501) in effect on the day next preceding such first day shall be increased by 5 per centum unless the Pay Board prescribes under subparagraph (B) an increase of less than 5 per centum, in which case each such rate of compensation shall be increased on such first day by the per centum increase so prescribed by the Pay Board.

(B) Before the effective date of the compensation increase provided by this paragraph, the Pay Board shall determine whether an increase of 5 per centum in each rate of compensation in such salary schedule, effective as prescribed by subparagraph (A), meets the criteria established by the Pay Board for the stabilization of wages and salaries. If the Pay Board determines that such an increase does not meet such criteria, the Pay Board shall, in accordance with such criteria and subject to subparagraph (C), prescribe the per centum increase in each such rate of compensation to take effect as prescribed in subparagraph (A).

(C) Notwithstanding the compensation increase provided by this paragraph, the rate of compensation for salary class 1A in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect for level III of the Executive Schedule contained in subchapter II of chapter 53 of title 5, United States Code, on the effective date of the increase provided by this paragraph; and the rate of compensation for any other salary class in such salary schedule may not be increased under this paragraph to a rate of compensation in excess of the rate of basic pay in effect on such date for level V of such Executive Schedule.

83 Stat. 864.
5 USC 5316.

(D) Any increase under this paragraph in a rate of compensation shall be fixed to the nearest $5.00.

(2) Effective on the effective date of the increase authorized by paragraph (1) of this subsection, each pay rate in the schedule in section 13(a) of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1542(a)) in effect on the day next preceding such effective date shall be increased by the same percentage rate as the rates of compensation in the salary schedule in section 1 of such Act (other than the rate for salary class 1A) are increased under paragraph (1).

"Pay Board."

12 USC1904 note.

(3) For purposes of this subsection, the term "Pay Board" means the Pay Board established under section 7 of Executive Order 11640 of January 27, 1972 (37 Fed. Reg. 1213), or any other entity to which is transferred, or in which is vested, the functions of the Board established under such section.

SEC. 103. The District of Columbia Teachers' Salary Act of 1955 is further amended as follows:

(1)(A) The fourth sentence of section 2(a) of such Act (D.C. Code, sec. 31–1511(a)) is amended to read as follows: "No teacher, school officer, or other employee shall be appointed or promoted to any position covered by section 1 of this Act on probationary or permanent status unless he possesses a master's degree, except that (1) a person possessing a bachelor's degree may be appointed on probationary or permanent status as a teacher in the elementary or secondary schools or as a coordinator of practical nursing; (2) a person possessing a bachelor's degree may be promoted to the position of census supervisor or coordinator of practical nursing; (3) a person not possessing a bachelor's degree may be appointed on probationary or permanent status as a—

"(A) shop teacher in the vocational education program,
"(B) teacher of military science and tactics,
"(C) teacher of driver training,
"(D) attendance officer, or
"(E) child labor inspector,

if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board; and (4) a person not possessing a bachelor's degree may be appointed on a probationary or permanent status as a census supervisor, or promoted to that position, if he submits acceptable evidence of equivalent training and experience in accordance with the rules of the Board."

Appointment and promotion requirements.
69 Stat. 523; 76 Stat. 1231.
Ante, p. 1005.

(B) The fifth sentence of such section is repealed.

Repeal.

(2) Section 4 of such Act (D.C. Code, sec. 31–1521) is amended to read as follows:

Salary classes, assignment.
84 Stat. 362.

"SEC. 4. (a) Each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act and listed in this subsection shall be placed in a salary class in the salary schedule contained in section 1 of this Act as follows:

"Title	Class
Superintendent	1A
Vice superintendent	1B
Deputy superintendent	2A
Associate superintendent	2B
Assistant superintendent	3
Executive assistant to superintendent	3
Director of curriculum	4
Chief examiner	5
Executive assistant (to deputy and associate superintendents)	5
Director, career development	5
Director, vocational high schools	5
Director, Spingarn instructional unit	5
Assistants to assistant superintendents	6
Director, elementary education (supervision and instruction)	6
Director, elementary education (administration)	6
Director, health, physical education, athletics, and safety	6
Assistants to superintendent, vice superintendent, and deputy superintendents	6
Director, staff development	6
Director, special education	6
Director, elementary education (language arts)	6
Principal	6
Supervising director	7
Assistant for Federal programs	7
Research associate	7
Planning associate	7
Director, school attendance	7

"Title	Class
Director, elementary education	7
Director, adult education	7
Director, summer schools and continuing education	7
Area coordinator	7
Assistant principal	8
Assistant director	8
Director, group measurement	8
Director, Project 400	8
Youth Act coordinator	8
Assistant chief examiner	8
Recruitment coordinator	8
Budget analyst	9
Assistant director	10
Research associate	10
Planning associate	10
Assistant recruitment coordinator	10
Elementary supervisor	10
Coordinator (aides)	10
Director of reading	10
Coordinator of Widening Horizons program	10
Teacher aide coordinator, title I	10
Cultural enrichment coordinator	10
Curriculum specialist	11
Clinical psychologist	12
Chief attendance officer	12
Educational specialist	13
Psychiatric social worker	13
Clinical social worker	13
Project coordinator	13
Coordinator of practical nursing	14
Census supervisor	14
Teacher, elementary and secondary schools	15
Attendance officer	15
Counselor, placement	15
Counselor, elementary and secondary schools	15
Librarian, elementary and secondary schools	15
School social worker	15
School psychologist	15
Speech therapist	15
Hearing therapist	15
Job coordinator	15
Pupil personnel worker	15
Child labor inspector	15.

"(b) The Board of Education, in accordance with sections 2(a) and 5(b) of this Act, shall place in a salary class in the salary schedule contained in section 1 of this Act each teacher, school officer, or other employee in the service of the Board of Education on the effective date of the District of Columbia Teachers' Salary Act Amendments of 1972 who occupies a position covered by this Act but not listed in subsection (a) of this section.

Ante, p. 1009.
69 Stat. 525;
72 Stat. 1009.
D.C. Code 31-1522.
Ante, p. 1005.

"(c) The classifications prescribed by subsection (a) of this section of positions to salary classes in the salary schedule contained in section 1 of this Act do not affect the authority of the Board of Education under sections 2(a) and 5(b) of this Act to make adjustments in the classification of any position under the Board or to take any other action authorized by those sections."

80 Stat. 1598.

(3) Section 5(c) of such Act (D.C. Code, sec. 31–1522(c)) is amended by striking out "5333(a)" and inserting in lieu thereof "5332(a)".

(4) Section 7(a)(1) of such Act (D.C. Code, sec. 31–1532(a)(1)) is amended by—

(A) striking out in the fourth sentence "except the positions of chief librarian and assistant professor, associate professor, and professor,";

(B) inserting immediately after the fourth sentence the following new sentence: "In the case of a person who is newly appointed to any position in salary class 3, 4, 5, or 6, who is determined by the Board of Education to possess unique or unusually high qualifications of special need to the school system, and whose annual salary immediately prior to such appointment was higher than the rate of compensation prescribed for service step 1 of his salary class, such person may, in the discretion of the Board of Education, have his compensation fixed at the rate of compensation prescribed for service step 2 or 3 of his salary class."; and

(C) striking out the last sentence.

80 Stat. 1599. D.C. Code 31-1532.

(5) Section 10 of such Act (D.C. Code, sec. 31–1535) is amended by—

(A) striking out in paragraph (1) of subsection (a) "date of the regular Board meeting" and inserting in lieu thereof "first day"; and

(B) adding at the end thereof the following new subsection:

"(c) Notwithstanding subsection (a) or any other provision of this or any other law, the Board of Education is authorized to correct on a retroactive basis any administrative error occurring in the application of subsection (a)."

Promotions, effective date. 84 Stat. 363.

(6) Section 13 of such Act (D.C. Code, sec. 31–1542) is amended by—

(A) striking out in the second sentence of paragraph (2) of subsection (d) "in the same manner as regular pay"; and

(B) striking out in the third sentence of such paragraph "81" and inserting in lieu thereof "83".

Extra duty activity, compensation. 84 Stat. 364. 80 Stat. 1601.

(7) Section 14 of such Act (D.C. Code, sec. 31–1543) is amended to read as follows:

"SEC. 14. Except as otherwise provided in this section, each employee whose annual salary is prescribed by the salary schedule contained in section 1 of this Act shall have his annual salary paid in twenty-four semimonthly installments. Semimonthly installment payments of the salaries of such employees shall be made on the first and sixteenth days of the month (or as near those days as is practicable); except that in lieu of receiving on such days the first semimonthly installment payment of salary payable in August and the three succeeding semimonthly installment payments of salary, an employee in salary class 15 of such salary schedule may elect, under regulations prescribed by the Commissioner of the District of Columbia, to receive on the date of the second semimonthly installment payment of his salary in July an amount equal to the sum of (1) the amount of such payment, and (2) the amounts of the four succeeding semimonthly installment payments of salary payable to him."

Salary payments, employee election. 84 Stat. 364. *Ante*, p. 1005.

(8) Section 15 of such Act (D.C. Code, sec. 31–1544) is amended to read as follows:

"SEC. 15. On and after September 1, 1972, the Act of March 5, 1952 (D.C. Code, secs. 31–698—698a) (relating to vacation periods and annual leave) shall apply to employees of the Board of Education whose salaries are fixed in salary classes 1 through 14, inclusive, of the salary schedule contained in section 1 of this Act."

76 Stat. 1235. 66 Stat. 14; 67 Stat. 362.

(9) Section 16 of such Act (D.C. Code, sec. 31–1545) is amended to read as follows:

"SEC. 16. On and after September 1, 1972, the Act of October 13, 1949 (D.C. Code, sec. 31–691 et seq.) (relating to sick and emergency leave) shall apply to employees of the Board whose salaries are fixed in salary class 15 of the salary schedule contained in section 1 of this Act."

69 Stat. 529; 76 Stat. 1235. 63 Stat. 842; 82 Stat. 140.

SEC. 104. (a) The third paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:", under the center heading "PUBLIC SCHOOLS." in the first section of the Act of May 26, 1908 (D.C. Code, sec. 31–609) is amended to read as follows:

35 Stat. 291; 84 Stat. 364.

"Effective September 1, 1972, in the case of an employee who is in salary class 15 of the salary schedule contained in section 1 of the District of Columbia Teachers' Salary Act of 1955 or any other employee of the Board of Education who is paid on a ten-month basis, if such employee's services commence with the opening of school and he performs his duties, his salary shall begin on the first day of September and shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955). The first semimonthly installment payment of the salaries of such employees shall be made on the first day of October (or as near that day as is practicable) and the second semimonthly installment payment of such salaries shall be made on the sixteenth day of October (or as near that day as is practicable). Subsequent semimonthly installment payments of salaries shall be made on the first and sixteenth days of the month (or as near those days as is practicable). The salaries of other employees of the Board of Education in such salary class 15 shall begin when they enter upon their duties and shall be paid on a semimonthly basis."

Ante, p. 1005.

Ante, p. 1011.

(b) The first sentence in the fourth paragraph under the paragraph beginning with the side heading "FOR ALLOWANCE TO PRINCIPALS:" under the center heading "PUBLIC SCHOOLS." in the first section of such Act (D.C. Code, sec. 31–630), is amended to read as follows: "Effective September 1, 1972, the following rules for division of time and computation of pay for services rendered are established: Compensation of all employees in salary class 15 and such other employees who are paid on a ten-month basis shall be paid in twenty-four semimonthly installments (except as provided in section 14 of the District of Columbia Teachers' Salary Act of 1955)."

84 Stat. 365.

Effective date.

SEC. 105. The effective date of this title (other than section 102(c) thereof) and the amendments made by this title shall be the first day of the first pay period beginning on or after September 1, 1972.

TITLE II—REVISIONS IN RETIREMENT BENEFITS FOR SCHOOL TEACHERS AND OFFICERS

SEC. 201. The Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 7, 1946, is amended as follows:

Annuity, computation. 66 Stat. 17; 81 Stat. 748.

(1) Paragraph (1) of section 5(b) of such Act (D.C. Code, sec. 31–725(b)(1)) is amended by striking out the first three sentences and inserting in lieu thereof the following: "A reduced annuity and an annuity after death payable to the surviving widow or widower of such teacher. The life annuity of a teacher making such election, or any portion of such annuity designated by the teacher in writing for such purposes at the time of retirement, shall be reduced by 2½ per centum of so much thereof as does not exceed $3,600 and by 10 per centum of so much thereof as exceeds $3,600. The widow or widower of a teacher making such election shall be entitled to an annuity equal to 55 per centum of such life annuity, or designated portion thereof, except that if a retired teacher who has elected a reduced annuity as provided in this paragraph or in subsection (d) of this section dies and is survived by a widow or widower whom he or she married after retirement, such widow or widower is entitled to an annuity in an amount which would have been paid had the teacher been married

Post, p. 1013.

to the widow or widower at the time of retirement, but only if (A) such widow or widower was married to such individual for at least two years immediately preceding the teacher's death, or is the mother or father of issue of such marriage, and (B) such widow or widower elects this annuity instead of any other suvivor benefit to which he or she may be entitled under this Act or another retirement system for employees of the Federal or District Government. The annuity of a widow or widower entitled to an annuity under this paragraph shall begin on the day after the retiree dies."

(2) Section 5 of such Act (D.C. Code, sec. 31–725) is amended by adding at the end thereof the following new subsection: Annuity computation. 66 Stat. 17; 84 Stat. 258.

"(d) A teacher who is unmarried at the time of retiring under a provision of law which permits election of a reduced annuity with a survivor annuity payable to his spouse and who later marries, may irrevocably elect, in a signed writing filed with the Commissioner of the District of Columbia within one year after he or she marries, a reduction in his or her current annuity and an annuity after death payable to his or her surviving widow or widower as provided in paragraph (1) of subsection (b) of this section. The reduced annuity is effective the first day of the month after such election is received by the Commissioner. The election voids prospectively any election previously made under paragraph (2) or paragraph (3) of subsection (b) of this section."

(3) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by— Leaves of absence. 66 Stat. 19; 84 Stat. 257.

(A) striking out in the first sentence "that the total credit granted for leaves of absence without pay shall not exceed one year: *Provided further*," and

(B) inserting after the first sentence the following new sentence: "A teacher or former teacher who returns to duty after a period of separation is deemed, for the purpose of this section, to have been in a leave of absence without pay for that part of the period in which he or she was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based." 5 USC 8101.

(4) Section 9 of such Act (D.C. Code, sec. 31–729) is amended by— Survivor annuities. 84 Stat. 258.

(A) striking out "dependent" in paragraph (1) of subsection (b) each place it appears therein;

(B) amending the second sentence of paragraph (1) of subsection (b) to read as follows: "Such annuity and any right thereto shall terminate on the last day of the month before (A) the widow or widower dies, or (B) the widow or widower remarries before becoming sixty years of age.";

(C) striking out in paragraph (3) of subsection (b) "dependent widower" and inserting in lieu thereof "widower"; and

(D) striking out the second sentence of paragraph (5) of subsection (c). 71 Stat. 48.

SEC. 202. (a) Effective on the first day of the first pay period which begins on or after the date of enactment of this Act, such Act of August 7, 1946, is further amended as follows:

(1) The first paragraph of section 8 of such Act (D.C. Code, sec. 31–728) is amended by striking out "probationary" in the first sentence and in clause (f) of the fourth sentence. 69 Stat. 536.

(2) The first sentence of section 13 of such Act (D.C. Code, sec. 31–733) is amended by striking out "permanently". 60 Stat. 881.

(b) The first sentence of section 19 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1548) is amended by striking out "probationary and permanent". 69 Stat. 529.

Transfer of funds.

(c) All—

(1) deductions for the Civil Service Retirement and Disability Fund made for annuity and retirement purposes from the salaries of temporary teachers on the rolls of the public schools of the District of Columbia on the first day of the first pay period which begins on or after the date of enactment of this Act,

(2) contributions made for such purposes for such teachers by the government of the District of Columbia to the Fund on account of the deductions referred to in clause (1), and

(3) deposits made in the Fund for such purposes by such teachers on account of their services as temporary teachers in such schools,

are transferred from the Fund to the credit of the District of Columbia Teachers' Retirement and Annuity Fund. Any teacher with respect to whom funds are transferred by this subsection shall be deemed to have consented and agreed to such transfer. The transfer of funds under this subsection shall be a complete discharge and acquittance of all claims and demands against the Civil Service Retirement and Disability Fund on account of services rendered by such a teacher prior to the first day of the first pay period which begins on or after the date of enactment of this Act.

Service steps, placement.
69 Stat. 527; 80 Stat. 1599.

SEC. 203. (a) Section 7 of the District of Columbia Teachers' Salary Act of 1955 (D.C. Code, sec. 31–1532) is amended by adding at the end the following new subsection:

"(d) Notwithstanding the provisions of subsection (a)(1) of this section, any educational employee who was employed by the Board of Education at the District of Columbia Teachers College and who was transferred to the Board of Higher Education pursuant to the authority conferred by section 103(a)(12) of the District of Columbia Public Education Act (D.C. Code, sec. 31–1603(a)(12)), and who wishes to be reappointed to a position under the Board of Education shall receive salary placement credit for the intervening years of service at the District of Columbia Teachers College as if he had had continuous service with the Board of Education if—

80 Stat. 1427.

"(1) there is no break in service between the termination of employment by the Board of Higher Education and the reappointment by the Board of Education; and

"(2) such service is credited to the District of Columbia Teachers' Retirement and Annuity Fund, either by deductions made for such retirement system or by the purchase of credit for such service for deposit in such fund."

(b) Section 8 of the Act entitled "An Act for the retirement of public school teachers in the District of Columbia", approved August 3, 1946 (D.C. Code, sec. 31–728), is amended by adding the following new paragraph at the end thereof:

Ante, p. 1013.

"Notwithstanding the provisions of this section, any teacher who is entitled to purchase service credit under the provisions of section 7(d) of the District of Columbia Teachers' Salary Act of 1955 shall purchase such credit based on the salary received from the Board of Higher Education during the period of service to be credited."

Supra.

Effective dates.

SEC. 204. (a) The provisions of the first and third sentences of section 5(b)(1) of the Act of August 7, 1946, as amended by section 201(1) of this title, which entitle a widow or widower of a teacher who married the teacher after his retirement to a survivor annuity, shall not apply in the cases of teachers or annuitants who died before the date of enactment of this title. The rights of such persons shall continue in the same manner and to the same extent as if such amendments had not been enacted.

Ante, p. 1012.

(b) The provisions of the second and third sentences of such section 5(b)(1), as amended by section 201(1) of this title, which authorize a teacher to designate that portion of his life annuity which may be subject to reduction for purposes of providing a survivor annuity, shall apply only to teachers retiring after the date of enactment of this title. *Ante*, p. 1012.

(c) The amendment made by section 201(2) of this title shall apply to a retired teacher who was unmarried at the time of retirement, but who later married, only if the election is made within one year after the date of enactment of this title.

(d) The amendment made by section 201(3)(A) of this title shall apply only to teachers retiring after the date of enactment of this title.

(e) The amendment made by section 201(3)(B) of this title is effective only with respect to annuity accruing for full months beginning after the date of enactment of this title; but any part of a period of separation referred to in such amendment in which the employee or former employee was receiving benefits under subchapter I of chapter 81 of title 5, United States Code, or any earlier statute on which such subchapter is based shall be counted whether the employee returns to duty before, on, or after such date of enactment. With respect to any person retired before such date of enactment, any such part of a period of separation shall be counted only with application of the former employee.

(f) The amendments made by section 201(4) of this title shall not apply in the cases of teachers or annuitants who died before the date of enactment of this title. The right of such persons and their survivors shall continue in the same manner and to the same extent as if such amendments had not been enacted.

TITLE III—AMENDMENTS INCREASING CERTAIN TAXES IN THE DISTRICT OF COLUMBIA

Motor vehicle excise tax.

SEC. 301. (a) Subsection (j) of section 6 of the District of Columbia Traffic Act, 1925 (D.C. Code, sec. 40–603(j)), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum". 63 Stat. 128; 83 Stat. 172.

Effective date.

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

Cigarette tax.

SEC. 302. (a) Subsection (a) of section 603 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2802(a)) is amended by striking out "4 cents" and inserting in lieu thereof "6 cents". 63 Stat. 137; 83 Stat. 173.

Effective date.

(b) The effective date of the amendment made by subsection (a) is the first day of the first month which begins on or after the thirtieth day after the date of enactment of this Act.

(c)(1) The amendment made by subsection (a) shall apply with respect to cigarette tax stamps purchased on or after the effective date of the amendment.

(2) In the case of cigarette tax stamps which have been purchased prior to the effective date of the amendment made by subsection (a) and which on such date are held (affixed to a cigarette package or otherwise) by a wholesaler, retailer, or vending machine operator, licensed under the District of Columbia Cigarette Tax Act, such licensee shall pay to the Commissioner (in accordance with paragraph (3)) an amount equal to the difference between the amount of tax represented by such tax stamps on the date of their purchase and the amount of tax which an equal number of cigarette tax stamps would represent if purchased on the effective date of the amendment made by subsection (a). 63 Stat. 136. D.C. Code 47-2801 note.

(3) Within twenty days after the effective date of the amendment made by subsection (a), each such licensee (A) shall file with the Commissioner a sworn statement (on a form to be prescribed by the Commissioner) showing the number of such cigarette tax stamps held by him as of the beginning of the day on which the amendment made by subsection (a) becomes effective or, if such day is a Sunday, as of the beginning of the following day, and (B) shall pay to the Commissioner the amount specified in paragraph (2).

Recordkeeping.

(4) Each such licensee shall keep and preserve for the twelve-month period immediately following the effective date of the amendment made by subsection (a) the inventories and other records made which form the basis for the information furnished to the Commissioner on the sworn statement required to be filed under this subsection.

(5) For purposes of this subsection, a tax stamp shall be considered as held by a wholesaler, retailer, or vending machine operator if title thereto has passed to such wholesaler, retailer, or operator (whether or not delivery to him has been made) and if title to such stamp has not at any time been transferred to any person other than such wholesaler, retailer, or operator.

Penalty.

(6) A violation of the provisions of paragraph (2), (3), or (4) of this subsection shall be punishable as provided in section 611 of the District of Columbia Cigarette Tax Act (D.C. Code, sec. 47–2810).

63 Stat. 139; 84 Stat. 581.

Utilities, taxes.

SEC. 303. (a) Paragraph numbered 5 of section 6 of the Act entitled "An Act making appropriations to provide for expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and three, and for other purposes", approved July 1, 1902 (D.C. Code, sec. 47–1701), is amended by striking out "4 per centum" and inserting in lieu thereof "5 per centum".

53 Stat. 1107; 70 Stat. 599.

Effective date.

(b) The amendment made by subsection (a) shall apply to the gross receipts of each gas company, electric lighting company, and telephone company for the year ending June 30, 1972, and for each succeeding year ending on the thirtieth day of June.

Approved October 21, 1972.

Public Law 92-519

AN ACT

October 21, 1972
[S. 4059]

To provide that any person operating a motor vehicle within the District of Columbia shall be deemed to have given his consent to a chemical test of his blood, breath, or urine, for the purpose of determining the blood alcohol content.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That as used in this Act—

District of Columbia Implied Consent Act.

Definitions.

(1) The term "Commissioner" means the Commissioner of the District, or his designated agent;

(2) The term "District" means the District of Columbia;

(3) The term "license" means any operator's permit or any other license or permit to operate a motor vehicle issued under the laws of the District, including—

(A) any temporary or learner's permit;

(B) the privilege of any person to drive a motor vehicle whether or not such person holds a valid license; and

(C) any nonresident's operating privilege;

(4) The term "nonresident" means every person who is not a resident of the District;