

COUNCIL OF THE DISTRICT OF COLUMBIA

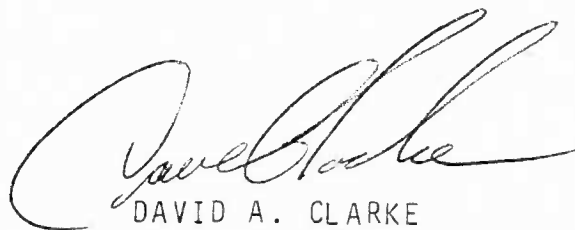
NOTICE

D.C. LAW 5-124

"District of Columbia Unemployment Compensation Act Second Amendments Act of 1984".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-454 on first and second readings, July 10, 1984 and September 12, 1984, respectively. Following the signature of the Mayor on October 1, 1984, this legislation was assigned Act No. 5-177, published in the October 19, 1984 edition of the D.C. Register, (Vol. 31 page 5165) and transmitted to Congress January 7, 1985 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-124, effective March 13, 1985.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January	7,22,23,24,25,28,29,30,31
February	1,4,5,6,7,19,20,21,22,25,26,27,28
March	1,4,5,6,7,8,11,12

D.C. LAW 5 - 1 2 4

AN ACT

EFFECTIVE DATE MAR 1 3 1985

D.C. ACT 5 - 1 7 7

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

OCT 0 1 1984

To amend the District of Columbia Unemployment Compensation Act to implement recommendations of the Unemployment Compensation Study Commission on the Solvency of the District Unemployment Fund; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Unemployment Compensation Act Second Amendments Act of 1984".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Code, sec. 46-101 et seq.), is amended as follows:

(a) Section 3(c)(8)(A) (D.C. Code, sec. 46-103(C)(8)(A) is amended as follows:

D.C. Code, sec. 46-103 (1985 supp.

(1) The last sentence is amended to read as follows:

"Effective January 1, 1985, Tax Table IV shall be used to determine each employer's rate of contribution for the applicable calendar year."

(2) Table IV is amended in subparagraph (ix) by striking the phrase "4.5 per centum" and inserting the phrase "5.4 per centum" in its place.

(3) The 0.8% minimum rate contained in Table IV shall expire on December 31, 1987.

(b) Section 3(c)(8) (D.C. Code, sec. 46-103(c)(8)) is amended by adding at the end thereof a new subparagraph (C) to read as follows:

"(C)(i) During those periods when the additional benefits program created by section 7(i) is in effect there shall be added to each employer's rate of contribution, determined in accordance with paragraph (A), an additional tax of 0.6 per centum. Revenues collected from the added tax shall not be credited to the individual accounts of employers, but shall be used solely to fund the additional benefits program. Reimbursable employers shall pay additional reimbursements equal to amounts paid to claimants in their former employ for the additional benefits program as they do for the regular benefits program.

"(ii) The added tax shall trigger 'on' in accordance with the additional benefits program trigger, and shall be assessed retroactively to the first day of the calendar quarters in which the additional benefits program becomes operational, and will be collected for each quarter in which the additional benefits program is in effect."

(c) Section 4(c)(1) (D.C. Code, sec. 46-105(c)(1)) is amended to read as follows:

"(c)(1) If the contributions or payments in lieu of contributions under section 3(h) are not paid when due, there shall be added thereto interest at the rate of one and one-half per centum per month or fraction thereof from the date they become due until paid. Interest shall not run against a court-appointed fiduciary when the contributions

or payments in lieu of contributions under section 3(h) are not paid timely because of a court order."

(d) Section 7 (D.C. Code, sec. 46-108) is amended as follows:

(1) Subsection (b) is amended by adding a new paragraph (3) to read as follows:

D.C. Code,
sec. 46-108
(1985 supp.

"(3)(A) Effective January 1, 1986, through December 31, 1987, the maximum weekly benefit amount shall be \$250.

"(B) Effective January 1, 1988, and for each calendar year thereafter, the maximum weekly benefit amount shall be determined by the Director of the Department of Employment Services ("Director") by computing 55 per centum of the average weekly wage paid to employees in insured work, unless the Director certifies to the Council on or before September 30th of the preceeding year that the financial condition of the District unemployment compensation trust fund would be worsened by adoption and implementation of a maximum weekly benefit amount determined by that method. Any such certification by the Director shall be accompanied by a recommended maximum weekly benefit amount which shall not be less than the maximum weekly benefit amount then in effect and which shall become the maximum weekly benefit amount for the next calendar year, unless the Council passes a resolution disapproving the Director's recommendation within 45 days after its receipt.

"(C) If the Council passes a resolution of disapproval the maximum weekly benefit amount then in effect

shall continue in effect for the next calendar year.

"(D) Each year the Director shall, on or before January 1st of the calendar year in which it shall be effective, announce by publication in at least one newspaper of general circulation in the District, the maximum weekly benefit amount.

"(E) The computation of the average weekly wage paid to employees in insured work shall be made by determining total wages reported as paid for insured work by employers in each 12-month period ending June 30th and dividing said total wages by a figure resulting from 52 times the average of mid-month employment reported by employers for the same period.

"(F) The maximum weekly benefit amount, however determined, announced for a calendar year shall apply only to those claims filed in that year qualifying for the maximum weekly benefit amount. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit amount in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum amount for any subsequent calendar year.

"(G) If the maximum weekly benefit amount, however computed, is not a multiple of \$1, then it shall be rounded down to the next lower multiple of \$1."

(2) Subsection (c) is amended in the first sentence by striking the amount "\$600" and inserting the amount "\$400" in its place.

(3) Subsection (f) is amended by striking the amounts "\$1" and "\$3" and inserting the amounts "\$5" and "\$20" respectively in their place.

(4) A new subsection (i) is added to read as follows:

"(i)(1) For the purposes of this subsection, the term:

"(A) 'Additional benefits period' means a period which:

"(i) Begins with the third week after a week in which the rate of insured unemployment, as defined by paragraph (B) of this subsection, is 3.75 per centum or higher: PROVIDED, That there are no federally assisted programs in effect in the District which provide benefits to claimants who have exhausted their regular benefits; and

"(ii) Ends with whichever of the following weeks occurs first:

"(I) The eleventh consecutive week of such period;

"(II) The week immediately preceeding the first week in which any federal program is in effect in the District which provides benefits to claimants who have exhausted their regular benefits.

"(B) 'Rate of insured unemployment' means the percentage, computed to two decimal points, derived by dividing: (i) the average weekly number of individuals filing claims for regular benefits, extended benefits, additional benefits, and any supplemental federal unemployment benefits for weeks of unemployment with respect

to the most recent 13-week period by (ii) the average monthly employment covered under this chapter for the first four of the most recent six completed calendar quarters ending before the end of such 13-week period.

"(C) 'Regular benefits' means benefits payable to an individual under this act or under any state law other than extended benefits.

"(D) 'Extended benefits' means benefits (including benefits payable to federal civilian employees and ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) payable to an individual under the provisions of section 7(a) for weeks of unemployment in the individual's extended benefit eligibility period.

"(E) 'Additional benefits eligibility period' of an individual means the period consisting of the weeks in the individual's benefit year which begin in an additional benefits period and, if the individual's benefit year ends during an additional benefits period, any weeks thereafter which begin in an additional benefit period.

"(F) 'Exhaustee' means an individual who, with respect to any week of unemployment in the individual's additional benefits eligibility period:

"(i) Has received, prior to such week, all of the requested benefits and all of the extended benefits, if any, there were available to him or her under this chapter or any state law in the individual's current benefit year that includes such week: PROVIDED, That for the purposes of this subparagraph, an individual is deemed to

have received all of the regular and extended benefits that were available to him or her although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his or her benefit year, he or she may subsequently be determined to be entitled to added regular or extended benefits:

PROVIDED FURTHER, That for the purposes of this subparagraph, an individual shall be deemed to have received all of the regular and extended benefits that were available to him or her although as a result of having earned wages he or she had received by the end of his or her benefit year all of the regular and extended benefits to which he or she would otherwise have been entitled; and

"(ii) The individual has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act, the Trade Expansion Act of 1962, the Automotive Products Trade Act of 1965, and such other federal laws as are specified in regulations by the Secretary of Labor for the federally assisted extended benefits program and the federally supported supplemental compensation program; and

"(iii) The individual has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada; but if he or she is seeking such benefits and the appropriate agency finally determines that he or she is not entitled to benefits under such law he or she is considered an exhaustee.

(G) 'Cooperating employer' means an employer which has voluntarily agreed to, without compensation, assist the Director in interviewing individuals who apply for phase 2 additional benefits and in evaluating the job readiness of such individuals.

"(H) 'State law' means the unemployment insurance law of any state, approved by the Secretary of Labor under subsection 3304 of the Internal Revenue Code of 1954.

"(2) There is established an Additional Benefits Program which shall consist of five weeks of Phase 1 benefits, followed by five weeks of Phase 2 benefits. During the first five weeks, in order to qualify for the second five weeks of additional benefits, the claimant must demonstrate that he or she is actively seeking employment. There shall be no waiting period between the expiration of regular benefits and the beginning of additional benefits. The Additional Benefits Program shall be financed by the revenue collected from the additional tax authorized by section 3(c)(8)(C)(i). Except when the result would be inconsistent with the other provisions of this subsection, as provided in the regulations of the Board, and except as otherwise provided in this subsection, the provisions of this act which apply to claims for and the payment of regular benefits shall apply to claims for and the payment of additional benefits.

"(A) The weekly additional benefit amount payable to an individual for a week of total unemployment in