

COUNCIL OF THE DISTRICT OF COLUMBIA

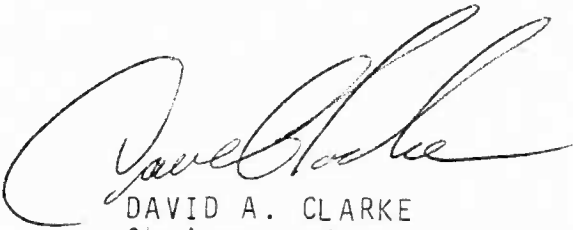
NOTICE

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 13 1985D.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

his or her eligibility period shall be an amount equal to his or her regular benefit amount, including any dependents' allowances for which he or she was eligible, payable to him or her during his or her applicable benefit year.

"(i) Phase 1 of the additional benefits program shall consist of the weeks during which the individual receives one-half of the total additional benefit amount to which he or she is entitled: PROVIDED, That any weekly additional benefit payment which would bring the individual's cumulative total additional benefits received to more than one-half of the total additional benefit amount to which the individual is entitled with respect to his or her applicable benefit year shall be paid to the individual and included in his or her phase 1 additional benefits if the cumulative total of the additional benefits paid to the individual prior to such payment were less than one-half of the total additional benefit amount to which he or she is entitled with respect to his or her applicable benefit year.

"(ii) Phase 2 of the additional benefits program shall consist of the weeks during which the individual is eligible to receive the remaining balance of additional benefits not received during phase 1.

"(D) An individual shall be eligible to receive phase 1 additional benefits with respect to any week of unemployment in his or her eligibility period only if the Director finds that with respect to such week:

"(i) The individual in an 'exhaustee' as defined in paragraph (1)(F) of this subsection;

"(ii) The individual has satisfied the requirements of this act for the receipt of regular benefits that are applicable to individuals claiming additional benefits, including not being subject to a disqualification for the receipt of regular benefits; and

"(iii) The individual provides tangible evidence that he or she was engaged during such week in a systematic and sustained effort to obtain work by making contact with at least three new employers and seeking work during at least three days, except:

"(I) An individual who during such week was attending a training or retraining course with the approval of the Director; and

"(II) An individual who during such week was in training approved Section 235(a)(1) of the Trade Act of 1974: PROVIDED, That he or she did not voluntarily leave suitable employment, as defined in section 10(i)(2), to enter such training.

"(E) In order to become eligible to receive phase 2 additional benefits, the individual shall:

"(i) Apply for phase 2 additional benefits at the public employment office designated by the Director; and

"(ii) Provide, when applying, the following information pertaining to five employer contacts he or she made during phase 1:

"(I) The name and address of the employer;

"(II) The position sought;

"(III) The date of the contact;

"(IV) The name of of the  
employer's representative contacted; and

"(V) The results of the contact;

and

"(iii) Report as instructed by the  
Director to a cooperating employer in his or her  
occupational category for an assessment of his or her job  
readiness.

"(F) An individual shall be eligible to  
receive phase 2 additional benefits with respect to any week  
of employment in his or her eligibility period only if the  
Director finds that with respect to such week:

"(i) The individual meets the  
requirements of subparagraph (D)(i) and (ii) for the receipt  
of phase 1 additional benefits; and

"(ii) The individual provides tangible  
evidence that she or he was engaged during such week in a  
systematic and sustained effort to obtain work by making  
contact with at least five new employers and seeking work  
during at least three days, except as provided in  
subparagraph (D)(iii).

"(G) The Director shall refer to appropriate  
job counselling or training or retraining course each  
individual who is judged by a cooperating employer not to be  
job ready, and the Director shall refer to appropriate job  
openings each individual who is judged by a cooperating

employer to be job ready.

"(H) Whenever an additional benefits period is to become effective or is to be terminated, the Director shall make an announcement to that effect by publication in a newspaper of general circulation, as provided in the regulations of the Board."

(e) Section 10(b) (D.C. Code, sec. 46-111(b)) is amended by designating the existing paragraph as paragraph (1), and adding new paragraphs (2) and (3) to read as follows:

D.C. Code,  
sec. 46-111  
(1985 supp.)

"(2) For the purposes of this section, the term 'misconduct' means an act of willful disregard of the employer's interests, a deliberate violation of the employer's rules, a disregard of standards of behavior which the employer has a right to expect of his employees, negligence to such a degree or recurrence as to manifest culpability, wrongful intent, or evil design, or showing an intentional and substantial disregard of the employer's interests or of the employee's duties and obligations to the employer.

"(3) The District of Columbia Unemployment Compensation Board shall add to its rules and regulations specific examples of behavior that constitutes misconduct within the meaning of this subsection.

(f) Section 10(e) (D.C. Code, sec. 46-111(e)) is amended to read as follows:

D.C. Code,  
sec. 46-111  
(1985 supp.)

"(e) If any individual otherwise eligible for benefits fails, without good cause as determined by the Board under

regulations prescribed by it, to attend a training, retraining, or job counselling course when recommended by the manager of the employment office or by the Board and such course is available at public expense, he shall not be eligible for benefits with respect to any week in which such failure occurred."

(g) Section 11 (D.C. Code, sec. 46-112) is amended by adding a new subsection (h) to read as follows:

D.C. Code,  
sec. 46-112  
(1985 supp.)

"(h) The Director shall establish and administer a Claimant-Employer Advocacy Fund, funded with monies collected as interest and penalty payments from employers due to their late filing of wage reports, late payment of employer contributions, and late payment of payments in lieu of contributions. The Fund shall be used exclusively to support the provision of assistance to and legal representation for claimants and employers involved in administrative appeals of claim determinations made by the Director. The Fund shall support the provision of such assistance and representation for claimants at the Metropolitan Washington Council, AFL-CIO and shall support the provision of such assistance and representation for employers at the D.C. Chamber of Commerce and at the Greater Washington Board of Trade. The total amount of funds which the Director provides from this Fund to the Metropolitan Washington Council, AFL-CIO, shall be twice the combined amount provided to the D.C. Chamber of Commerce and the Greater Washington Board of Trade."

Sec. 3. During the last quarter of 1986, the Committee

on Housing and Economic Development of the Council of the District of Columbia shall review the status of the additional benefits program in the context of the solvency of the unemployment compensation trust fund and make a recommendation as to its continuation.

Sec. 4. Section 4 of the District of Columbia Unemployment Compensation Act Amendments Act of 1983, effective May 7, 1983 (D.C. Law 5-3; 30 DCR 1371), is amended to read as follows:

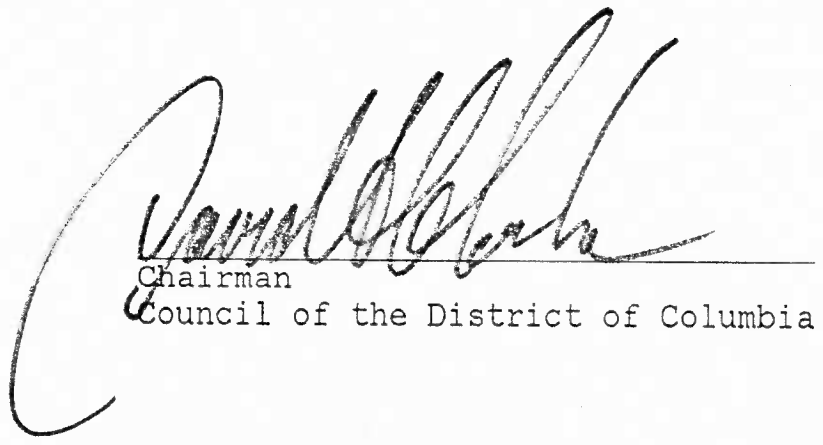
Note,  
D.C. Code,  
secs. 46-  
103, -105,  
-108, -111  
(1985 supp.)

"Except for provisions of section 2(a), (b), (d), (f)(2), (g), (h), (j), (l)(3), (m), (n), (o), (p), (q), (r), and (s), this act shall expire on December 31, 1985."

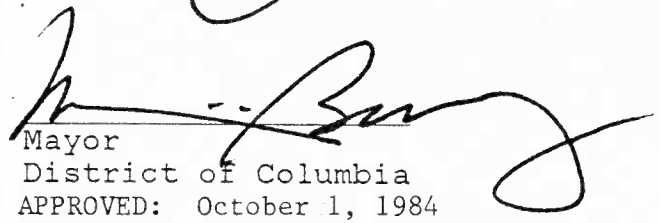
Sec. 5. (a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).

(b). Section 2(d)(2) and (3) shall take effect on  
January 1, 1985.

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



Chairman  
Council of the District of Columbia



Mayor  
District of Columbia  
APPROVED: October 1, 1984





**COUNCIL OF THE DISTRICT OF COLUMBIA**  
**Council Period Five — Second Session**

**RECORD OF OFFICIAL COUNCIL VOTE**

DOCKET NO: B5-454

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 7-10-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell S. Smith  
 Secretary to the Council

Sept. 21, 1984  
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 9-12-84

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD

Russell S. Smith  
 Secretary to the Council

Sept. 21, 1984  
 Date

Item on Consent Calendar

ACTION & DATE: \_\_\_\_\_

VOICE VOTE: \_\_\_\_\_

Recorded vote on request

Absent: \_\_\_\_\_

ROLL CALL VOTE: — RESULT \_\_\_\_\_ ( / / )

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote      A.B. — Absent      N.V. — Present, not voting

CERTIFICATION RECORD