

AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Unemployment Compensation Act to provide that a furlough-excepted federal employee is eligible for financial assistance benefits during a federal government shutdown, and to create the Supporting Essential Workers Special Fund.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Supporting Essential Workers Unemployment Insurance Amendment Act of 2020”.

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Official Code § 51-101 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 51-102) is amended by striking the phrase “Act. The” and inserting the phrase “Act, except those benefits paid from the Supporting Essential Workers Special Fund pursuant to section 10a. The” in its place.

(b) New sections 10a and 10b are added to read as follows:

“Sec. 10a. Applicability to certain federal employees.

“(a) Subject to the availability of funds in the Supporting Essential Workers Special Fund (“Fund”) and notwithstanding any other provision of this act, the Director shall provide benefits to an eligible furlough-excepted federal employee in accordance with this section; provided, that the Director does so in a manner that is consistent with federal law.

“(b)(1) An individual’s weekly benefit amount payable pursuant to this section shall be equal to one twenty-sixth (computed to the next higher multiple of \$1) of the individual's total wages paid by a federal government employer during the quarter in which the individual earned the highest wages over the last 4 quarters; provided, that to qualify for the benefit, an individual must have worked for a federal government employer during the quarter immediately preceding the claim for benefits.

“(2) The maximum weekly benefit amount payable pursuant to this section shall be equal to the maximum benefit amount payable under section 7(b)(3)(C).

“(c)(1) The Director shall award benefits to claimants under this section on a weekly or biweekly basis in the order the Director determines claimants are eligible.

“(2) The Director shall continue to pay benefits to a claimant for the duration of the claimant’s eligibility, except that the Director may cease paying a claimant’s benefits if the Director determines that sufficient funds in the Fund do not exist.

“(d) If a furlough-excepted federal employee receives benefits pursuant to this section and subsequently receives earnings from the employee’s federal employer in excess of the benefits received, attributable to the period for which the benefits were paid, the furlough-excepted federal employee shall promptly repay to the District a sum equal to the amount of benefits received from the District. The Director may, for good cause, waive this requirement.

“(e)(1) Within 15 days after the applicability date of this section, the Director shall issue rules, pursuant to Title I of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), to implement this section, which shall include rules establishing criteria that a furlough-excepted federal employee must satisfy to be eligible for benefits pursuant to this section.

“(2) Notwithstanding sections 109 and 110, the Director may not require a furlough-excepted federal employee to:

“(A) Demonstrate that the furlough-excepted federal employee:

“(1) Is available for work; or

“(2) Has performed a work search; or

“(B) Attend a training, retraining, or job counseling course.

“(f) No federal funds may be used for the payment of benefits pursuant to this section or for the payment of administrative costs to implement the provisions of this section.

“(g) Nothing in this section shall impose any employer obligation under this act on a federal employer.

“(h) Except as provided in this section and rules issued pursuant to this section, the provisions of this act shall apply to claims for benefits filed pursuant to this section.

“(i) For the purposes of this section, the term “furlough-excepted federal employee” means a federal employee:

“(1) Who performs services as an excepted employee of the federal government during a lapse in federal appropriations for which the employee does not receive earnings;

“(2) Whose earnings are funded through federal appropriations that have lapsed; and

“(3) Who was notified by the employee’s federal government employer of his or her status as an excepted employee before the employee performed services during a lapse in federal appropriations.

“Sec. 10b. Supporting Essential Workers Special Fund.

“(a) There is established as a special fund the Supporting Essential Workers Special Fund (“Fund”), which shall be administered by the Director in accordance with subsection (c) of this section.

“(b) The Fund shall consist of:

“(1) Money allocated to or deposited in the Fund by the Mayor;

“(2) Funds appropriated for the Fund; and

“(3) Repayments made by furlough-excepted federal employees to the District.

“(c) The Fund shall be used to:

“(1) Pay benefits to furlough-excepted federal employees;

(2) Pay for personnel and non-personnel costs necessary for the administration of the provisions of section 10a; and

“(3) Repay any contingency funds the Mayor allocates to or deposits into the Fund in accordance with subsection (b)(1) of this section.

“(d)(1) The money deposited into the Fund but not expended in a given fiscal year shall not revert to the unassigned fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time.

“(2) Subject to authorization in an approved budget and financial plan, any funds appropriated in the Fund shall be continually available without regard to fiscal year limitations.”.

Sec. 3 Applicability.

(a) New section 10a within section 2 shall apply upon the date of inclusion of its fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect of new section 10a within section 2 in an approved budget and financial plan and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of the provision identified in subsection (a) of this section.

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor or in the event of veto by the Mayor, action by the Council to override the veto, a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December

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24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia