

COUNCIL OF THE DISTRICT OF COLUMBIA

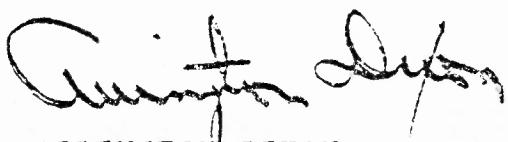
NOTICE

D.C. LAW 4-147

"Unemployment Trust Fund Revenue and Conformity Act of 1982".

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. 4-431 on first and second readings, July 6, 1982 and July 20, 1982, respectively. Following the signature of the Mayor on July 21, 1982, this legislation was assigned Act No. 4-218, published in the August 6, 1982, edition of the D.C. Register, (Vol. 29 page 3347) and transmitted to Congress on July 21, 1982 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 4-147 effective September 17, 1982.



ARRINGTON DIXON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

July 21, 22, 23, 26, 27, 28, 29, 30

August 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 16, 17, 18, 19, 20

September 3, 9, 10, 13, 14, 15, 16

LAW 4-147
SEP 17 1982

AN ACT

D.C. ACT 4-218

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JUL 21 1982

amend the District of Columbia Unemployment Compensation Act to increase revenue for the unemployment trust fund; to encourage prompt payment of contributions by employers; to change the disqualification period for voluntarily quitting work without good cause connected with the work; to conform to the requirements of the Omnibus Budget Reconciliation Act of 1981; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Unemployment Trust Fund Revenue and Conformity Act of 1982".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 946; D.C. Code, sec. 46-101 et seq.) is amended as follows:

(a) Section 3(c)(1) (D.C. Code, sec. 46-103(c)(1)) is amended by striking the period at the end of the first sentence and inserting the phrase "PROVIDED, That contributions received after July 1, 1981, by reason of the solvency tax set forth in subparagraph (B)(ii) of section 3(c)(4) shall not be credited to the separate account of each employer." in lieu thereof.

CODIFICATION
D.C. Code,
sec. 46-103
(1981 ed.)

(b) Section 3(c)(2)(A) (D.C. Code, sec.

46-103(c)(2)(A)) is amended by striking the phrase "to a claimant at the time of such payment" in the last sentence thereof.

D.C.Code,
sec. 46-103
(1981 ed.)

(c) By striking section 3(c)(8)(C) (D.C. Code, sec. 46-103(c)(8)(C)).

D.C.Code,
sec. 46-103
(1981 ed.)

(d) Section 3(e) (D.C. Code, sec. 46-103(e)) is amended by striking the fourth sentence "After December 31, 1977, wages shall not include any amount in excess of \$6,000 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act (26 U.S.C. secs. 3301 through 3311), whichever is greater) actually paid by an employer to any person during any calendar year." and inserting the sentences "From January 1, 1978, through December 31, 1981, taxable wages shall not include any amount in excess of \$6,000. For the purpose of determining employer contributions after January 1, 1982, the term 'wages' shall not include any amount in excess of \$7500 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act, approved August 28, 1935 (49 Stat. 639; 26 U.S.C. sec. 3306), whichever is greater) actually paid by an employer to any person during any calendar year." in lieu thereof.

D.C.Code,
sec. 46-103
(1981 ed.)

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

D.C.Code,
sec. 46-105
(1981 ed.)

(1) paragraph (1) is amended by striking the phrase "one-half of"; and

(2) paragraph (2) is amended by striking the phrase "not be less than \$5 nor more than \$25" and inserting the phrase "not be less than \$100" in lieu thereof.

(f) Section 7(b) (D.C. Code, sec. 46-108(b)) is intended to read as follows:

D.C. Code,
sec. 46-108
(1981 ed.)

"(b) An individual's 'weekly benefit amount' shall be an amount equal to one twenty-third (computed to the next higher multiple of \$1) of his total wages for insured work paid during that quarter of his base period in which such total wages were highest:

PROVIDED, That effective January 1, 1982, the maximum weekly benefit shall be \$206. The Mayor shall determine annually the average weekly wage paid to employees in insured work and before September 15th of each year shall recommend a maximum weekly benefit amount to the Council. The Mayor's recommendation of a maximum weekly benefit amount shall become effective for the next January 1st unless the Council adopts a resolution disapproving the Mayor's recommendation within 45 calendar days from the date that the Mayor's recommendation is transmitted to the Chairman of the Council. In making his recommendation, the Mayor shall consider the amount which is 66-2/3 per cent of the average weekly wage; the total amount of benefits paid during the 12-month period ending June 30th of the preceding year; and the total amount of contributions and interest paid into the fund during the same period.

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 the total wages by a figure which results from 52 times the average of mid-month employment reported by employers for the same period. The Director, before January 1st of the calendar year in which it shall be effective, shall announce by publication in a newspaper of general circulation in the District of Columbia, the new maximum weekly benefit amount. The maximum weekly benefit amount determined and announced for a calendar year shall apply only to those claims filed in that year. All claims qualifying for payment at the maximum weekly benefit amount shall be paid at the maximum weekly benefit in effect when the benefit year to which the claim relates was first established, notwithstanding a change in the maximum weekly amount for a subsequent calendar year. If the maximum weekly benefit amount is not a multiple of \$1, then the maximum weekly benefit amount shall be computed to the next higher multiple of \$1.

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

(1) Paragraph (1) is amended to read as follows:

"(1) As used in this subsection, unless the context clearly requires otherwise:

D.C.Code,
sec. 46-1
(1981 ed.)

"(A) 'Extended benefit period' means a

period which:

"(i) Begins with the 3rd week

or a week in which a State 'on' indicator occurs;

"(ii) Ends with either of the

following weeks, whichever occurs later:

"(I) The 3rd week after the

week for which there is a State 'off' indicator; or

"(II) The 13th consecutive

week of such period:

PROVIDED, That no extended benefit period may begin by

reason of a State 'on' indicator before the 14th week

following the end of a prior extended benefit period

which was in effect with respect to the District.

"(B) For weeks commencing after

September 25, 1982, there is a State 'on' indicator for

the District for a week if the rate of insured

employment under this Act for the period consisting

of such week and the immediately preceding 12 weeks:

"(i) Equalled or exceeded 120 per

centum of the average of such rates for the

corresponding 13-week period ending in each of the

preceding 2 calendar years; and

"(ii) Equalled or exceeded 5

percent: PROVIDED, That with respect to benefits for

weeks of unemployment beginning on September 26, 1982,

the determination of whether there is a State 'on' or

'off' indicator beginning or ending any extended benefit period shall be made under this subsection as if:

"(I) This subparagraph did not contain sub-subparagraph (i) thereof, and

"(II) The figure '5' contained in sub-subparagraph (ii) thereof was '6'; EXCEPT, That notwithstanding any such provision of this subsection any week for which there would otherwise be a State 'on' indicator shall continue to be such a week and shall not be determined to be a week for which there is a State 'off' indicator.

"(C) There is a State 'off' indicator for the District for a week if, for the period consisting of that week and the immediately preceding 12 weeks, either sub-subparagraph (i) or (ii) of subparagraph (B) of this paragraph was not satisfied.

"(D) 'Rate of insured unemployment', for purposes of subparagraphs (B) and (C) of this paragraph, means the percentage derived by dividing (i) the average weekly number of individuals filing claims for regular benefits in the District for weeks of unemployment with respect to the most recent 13-consecutive week period as determined on the basis of reports to the Secretary of Labor, by (ii) the average monthly employment covered under this Act for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

"(E) 'Regular benefits' means benefits payable to an individual under this Act or under any State law (including benefits payable to Federal civilian employees and to ex-servicemen pursuant to Chapter 85 of Title 5, United States Code) other than extended benefits.

"(F) 'Extended benefits' means benefits including benefits payable to Federal civilian employees and to ex-servicemen pursuant to Chapter 85, United States Code) payable to an individual under the provisions of this subsection for weeks of unemployment in his eligibility period.

"(G) 'Eligibility period' of an individual means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within the extended period, any weeks thereafter which begin in a period.

"(H) 'Exhaustee' means an individual who, with respect to any week of unemployment in his eligibility period:

"(i) Has received, prior to such a week, all of the regular benefits that were available to him under this Act or any State law (including dependents' allowances and benefits payable to Federal civilian employees and ex-servicemen under Chapter 85 of Title 5, United States Code) in his current benefit year that includes such a week: PROVIDED, That for the

purposes of this subparagraph, an individual shall be deemed to have received all of the regular benefits that were available to him although as a result of a pending appeal with respect to wages that were not considered in the original monetary determination in his benefits year, he may subsequently be determined to be entitled to added regular benefits; or

"(ii) His benefit year having expired prior to such a week, has no, or insufficient wages on the basis of which he established a new benefit year that would include such a week; and

"(iii)(I) 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 issued by the Secretary of Labor; and

"(II) Has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if he is seeking such benefits and the appropriate agency finally determines that he is not entitled to benefits under such law he is considered an exhaustee.

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

(2) Paragraph (3) is amended by adding new subparagraph (C) to read as follows:

Enrolled Original

"(C) Notwithstanding any other provisions of this paragraph, an individual shall not be eligible for extended benefits if his monetary eligibility for regular benefits was based upon the total base period wages that did not exceed his highest quarterly wages by at least one and one-half times.";

(3) Paragraph (5) is amended by adding the following new subparagraph (C) to read as follows:

"(C) Notwithstanding any other provisions of this paragraph, if the benefit year of my individual ends within an extended benefit period, the remaining balance of extended benefits that such an individual would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero) by the product of the number of weeks for which the individual received trade readjustment allowances within that benefit year, multiplied by the individual's weekly benefit amount for extended benefits.".

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

"(a) For weeks commencing after December 18, 1981, any individual who left his most recent work

D.C.Code,
sec. 46-111
(1981 ed.)

voluntarily without good cause connected with the work, as determined under duly prescribed regulations, shall not be eligible for benefits until he has been employed in each of four subsequent weeks (whether or not consecutive) and has earned remuneration equal to not less than four times the weekly benefit amount to which he would be entitled pursuant to section 7(b).".

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

"(i)(1) Notwithstanding any other provision of this Act, no otherwise eligible individual shall be denied benefits for any week because: (A) he or she is in training approved under Section 236(a)(1) of the Trade Act of 1974; (B) he or she is in such approved training by reason of leaving work to enter such training: PROVIDED, That the work left is not suitable employment; or (C) because of the application to any such week in training of provisions in this law (or any Federal unemployment insurance law administered hereunder) relating to availability for work, active search for work or refusal to accept work.

"(2) For purposes of this subsection, the term 'suitable employment' means, with respect to an individual, work of a substantially equal or higher skill level than the individual's past adversely affected employment (as defined for purposes of the Trade Act of 1974), and wages as determined for purposes of the Trade Act of 1974.".

(j) Section 13(c) (D.C. Code, sec. 46-114(c)) is
ended by striking the words "Board" and "Congress"
and inserting the words "Mayor" and "Council" in lieu
thereof respectively.

D.C.Code,
sec. 46-114
(1981 ed.)

(k) Section 18(b) (D.C. Code, sec. 46-119(b)) is
ended as follows:

(1) By inserting the phrase "Except as
hereinafter provided" at the beginning thereof;

D.C.Code,
sec. 46-119
(1981 ed.)

(2) By redesignating the current subsection
as paragraph "(1)"; and

(3) By adding new paragraphs (2) through (9)

read as follows:

"(2) An individual filing a new claim for
unemployment compensation shall disclose, at the time
of filing such a claim, whether the individual owes
child support obligations as defined under paragraph
(8) of this subsection. If any individual discloses
that he or she owes child support obligations and is
determined to be eligible for unemployment

compensation, the Director shall notify the appropriate
state or local child support enforcement agency that
the individual has been determined to be eligible for
unemployment compensation.

"(3) The Director shall deduct and withhold
from any unemployment compensation payable to an
individual that owes child support obligations as
defined under paragraph (8) of this subsection the
following:

"(A) The amount specified by the individual to the Director to be deducted and withheld under this subsection if neither subparagraph (B) nor (C) of this paragraph is applicable;

"(B) The amount (if any) determined pursuant to an agreement submitted to the Director under Section 454(20)(B)(i) of the Social Security Act by the appropriate State or local child support enforcement agency, unless subparagraph (C) of this paragraph is applicable; or

"(C) Any amount otherwise required to be so deducted and withheld from the unemployment compensation pursuant to legal process as that term is defined in Section 462(e) of the Social Security Act.

"(4) Any amount deducted and withheld under paragraph (2) of this subsection shall be paid by the Director to the appropriate State or local child support enforcement agency.

"(5) Any amount deducted and withheld under paragraph (2) of this subsection shall treated for all purposes as if it were paid to the individual as unemployment compensation and paid by such an individual to the State or local child enforcement agency in satisfaction of the individual's child support obligations.

"(6) For purposes of paragraphs (2) through (5) of this subsection, the term 'unemployment compensation' means any compensation payable under the

state law (including amounts payable by the District pursuant to an agreement under any Federal law providing for compensation, assistance, or allowances with respect to unemployment).

"(7) Deductions shall be made pursuant to this subsection only if appropriate arrangements have been made for reimbursement by the State or local child enforcement agency for the administrative costs incurred by the Director under this subsection which are attributable to child support obligations being enforced by the State or local child support enforcement agency.

"(8) The term 'child support obligations' is defined for purposes of these provisions as including only obligations which are being enforced pursuant to a plan described in Section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under Part D of Title IV of the Social Security Act.

"(9) The term 'State or local child enforcement agency' as used in these provisions means any agency of a State or political subdivision thereof operating pursuant to a plan described in paragraph (8) of this subsection.".

Sec. 3. The Unemployment Trust Fund Act of 1981, effective March 16, 1982 (D.C. Law 4-36; 29 DCR 429) is repealed.

Sec. 4. Section 2(a), (b), (c), (d), (e), (f),

Note,
D.C.Code,
secs. 46-101,
-105, -108,
-111, & -112
(1981 ed.)

(h), and (j) shall take effect, for a period not to exceed 180 days, after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto, 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)); PROVIDED, That it shall not become effective until the expiration of the Unemployment Trust Fund Act of 1981, effective March 16, 1982 (D.C. Law 4-86; 29 DCR 429).

Sec. 5. Section 2(g), (i), and (k) shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto, 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)); PROVIDED, That it shall not become effective until the expiration of the Unemployment Trust Fund Act of 1982, effective March 16, 1982 (D.C. Law 4-86; 29 DCR 429).

Gunter Dinkins
Chairman

Council of the District of Columbia

W. E. Barr
Mayor
District of Columbia

APPROVED: July 21, 1982



COUNCIL OF THE DISTRICT OF COLUMBIA

Council Period Four

Second Session

DOCKET NO: B 4-431 Item on Consent CalendarACTION: Adopted First Reading, 7-6-82 VOICE VOTE: By Majority, Member Rolark voted no

Absent: all present

 ROLL CALL VOTE:

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

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Vincent H. Cavanaugh
Secretary to the Council*7/20/82*
Date Item on Consent CalendarACTION: Adopted Final Reading, 7-20-82 VOICE VOTE: Unanimous

Absent: all present

 ROLL CALL VOTE:

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

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD

Vincent H. Cavanaugh
Secretary to the Council*7/20/82*
Date Item on Consent Calendar

ACTION: _____

 VOICE VOTE: _____

Absent: _____

 ROLL CALL VOTE:

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

X - Indicates Vote A.B. - Absent N.V. - Not Voting

CERTIFICATION OF RECORD