

AN ACT

Codification
District of
Columbia
Official Code

2001 Edition

2010 Fall
Supp.

West Group
Publisher

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the District of Columbia Unemployment Compensation Act to extend the length of time to file an appeal of an initial determination with respect to benefit eligibility, expand eligibility to those who had to leave jobs for compelling family reasons, improve the administration of the unemployment compensation program, and qualify the District for federal modernization funding pursuant to the American Recovery and Reinvestment Act of 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Unemployment Compensation Reform Amendment Act of 2010”.

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 7 (D.C. Official Code § 51-107) is amended by adding a new subsection (f-1) to read as follows:

Amend
§ 51-107

"(f-1) For claims for benefit years commencing after August 9, 2009, and before January 1, 2011, in addition to benefits payable under subsections (a) through (e) of this section, each eligible individual who is unemployed in any week shall be paid with respect to that week \$15 for each dependent relative, but no more than \$50 or ½ of the individual's weekly benefit amount, whichever is less, with respect to any 1 week of unemployment. The amount of the dependent's allowance paid to an individual shall not be charged to the individual account of an employer. The number of dependents of an individual shall be determined as of the day with respect to which the individual first files a valid claim for benefits in any benefit year and shall remain fixed for the duration of the benefit year. The dependent's allowance shall not be taken into consideration in the total amount of benefits calculated pursuant to subsection (d) of this section.”.

(b) Section 10 (D.C. Official Code § 51-110) is amended as follows:

Amend
§ 51-110

(1) Subsection (d) is amended by adding new paragraphs (4) and (5) to read as follows:

“(4) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to accompany his or her spouse or domestic partner to a

place from which it is impractical to commute to the place of employment. For the purposes of this paragraph, the term "domestic partner" shall have the same meaning as provided in section 2(3) of the Health Care Benefits Expansion Act of 1992, effective June 11, 1992 (D.C. Law 9-114; D.C. Official Code § 32-701(3)).

"(5) Compensation shall not be denied to any otherwise eligible individual who leaves his or her most recent work to care for an ill or disabled family member. For the purposes of this paragraph, the term "family member" shall have the same meaning as provided in section 102(11B) of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2-1401.02(11B))."

(2) A new subsection (j) is added to read as follows:

"(j)(1) Notwithstanding any other provision of this act, an individual who is unemployed within the meaning of this act, has exhausted all regular unemployment benefits provided under this act, including any extensions of benefits, and who is enrolled in and making satisfactory progress in a District-approved training program or in a job training program authorized under the Workforce Investment Act of 1998, approved August 7, 1998 (112 Stat. 936; 29 U.S.C. § 2822), shall be eligible for training extension benefits if the Director determines that the following criteria are met:

"(A) The training program will prepare the claimant for entry into a high-demand occupation;

"(B) The claimant was separated from employment in a declining occupation or has been involuntarily and indefinitely separated from employment as a result of a permanent reduction of operations at the claimant's place of prior employment;

"(C) The claimant is making satisfactory progress towards completion of the training as determined by the Director, including the submission of written statements from the training program provider; and

"(D) The claimant is not receiving similar stipends or other training allowances for non-training costs.

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

"(A) "Declining occupation" shall be defined by the Director based upon currently available labor market information.

"(B) "High-demand occupation" shall be defined by the Director based upon currently available labor market information.

"(C) "Similar stipends" means an amount provided under a program with similar goals, such as providing training to increase employability, and in similar amounts. Similar stipends of non-training cost allowances shall be treated as "earnings" as defined in section 1(4).

"(3) A claimant who is eligible for a training extension pursuant to this subsection shall be enrolled in training and making satisfactory progress as the Director may determine will increase the employability of the claimant in the District labor market.

"(4) The weekly training extension benefit amount payable to the eligible

individual shall be equal to the claimant's weekly benefit amount for the most recent benefit year less any deductible or income as determined pursuant to this act. The total amount of training extension benefits payable to a claimant shall not exceed 26 times the claimant's weekly benefit amount of the most recent benefit year.

“(5) If the claimant completes the training program, ceases to be making satisfactory progress, or stops attending the training program, the claimant shall not be eligible for further training extension benefits unless the Director determines that the claimant has resolved the impediment.

“(6) A claimant seeking training extension benefits may apply for the benefits at any time prior to the end of the claimant's initial benefit year or the end of any period of extended benefits.

“(7) No training extension benefits paid pursuant to this act shall be charged to individual employer accounts.”.

(c) Section 11(b) (D.C. Official Code § 51-111(b)) is amended as follows:

Amend
§ 51-111

(1) Strike the phrase “10 days” wherever it appears and insert the phrase “15 calendar days” in its place.

(2) Add 2 new sentences after the phrase "actual delivery of such notice." to read as follows: “The 15-day appeal period may be extended if the claimant or any party to the proceeding shows excusable neglect or good cause. The exception for good cause or excusable neglect shall apply to all claims pending on the effective date of the Unemployment Compensation Reform Amendment Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-455), including those in which an appeal has been filed in the Office of Administrative Hearings or in which a petition for review has been filed in the District of Columbia Court of Appeals.”.

(d) Section 31 (D.C. Official Code § 51-131) is amended to read as follows:

Amend
§ 51-131

“Sec. 31. Separation from employment due to domestic violence.

“(a) Notwithstanding any other provision of this act, no otherwise eligible individual shall be denied benefits for any week because the individual was separated from employment by discharge or voluntary or involuntary resignation due to domestic violence against the individual or any member of the individual's immediate family, unless the individual was the perpetrator of the domestic violence.

“(b) For the purposes of this title, the term “domestic violence” shall have the same meaning as “intrafamily offense”, as defined in D.C. Official Code § 16-1001(8).”.

Sec. 3. 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)).

ENROLLED ORIGINAL

Sec. 4. 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 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