

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the District of Columbia Unemployment Compensation Act to amend the requirements related to unemployment to include excepted employees of the federal government who are required to work without pay during a federal government shutdown as individuals eligible for unemployment benefits.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Supporting Essential Workers Unemployment Insurance Emergency Amendment Act of 2019”.

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 1(5) (D.C. Official Code § 51-101(5)) is amended to read as follows:

“(5) An individual shall be deemed “unemployed” with respect to any week during which:

“(A) The individual performs no service and with respect to which no earnings are payable to him or with respect to any week of less than full-time work if 66% of the earnings payable to him with respect to such week are less than his weekly benefit amount plus \$50; or

“(B) (i) There is a lapse in federal appropriations;

34 “(ii) The individual’s earnings are funded through federal
35 appropriations that have lapsed;

36 “(iii) The individual performed services during the lapse in
37 appropriations because the individual is an excepted employee of the federal government;

38 “(iv) The individual will not receive earnings from the federal
39 government during the lapse in appropriations; and

40 “(v) The individual was notified by his or her federal agency of
41 his or her status as an excepted employee before the individual performed services during the
42 lapse in appropriations.”

43 (b) A new section 10a is added to read as follows:

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

45 “(a) The Director may exempt an individual who is determined to be unemployed under
46 section 1(5)(B) (a “furlough-excepted federal employee”) from any provision of this act or a
47 regulation promulgated pursuant to this act, if the Director determines that application of the
48 provision would be inconsistent with the purposes of the Supporting Essential Workers
49 Unemployment Insurance Emergency Amendment Act of 2019 including the need to provide
50 important financial relief to essential federal employees who are working but are not being paid.

51 “(b) If a furlough-excepted federal employee receives benefits, and the employee after
52 the applicable lapse in appropriations receives earnings attributable to the period for which the
53 benefits were paid, the employee shall promptly repay to the District the benefits that were paid
54 for that period, to the extent that the employee would not otherwise have been eligible for the
55 benefits; provided, that the Director may for good cause waive this requirement.

56 Sec. 3. Fiscal impact statement.

57 The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal
58 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
59 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

60 Sec. 4. Effective date.

61 This act shall take effect following approval by the Mayor (or in the event of veto by the
62 Mayor, action by the Council to override the Mayor), and shall remain in effect for no longer
63 than 90 days, as provided for emergency acts of the Council of the District of Columbia in
64 section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87
65 Stat. 788; D.C. Official Code § 1-204.12(a)).