


COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
ELISSA SILVERMAN, CHAIRPERSON
1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

To: Chairman Phil Mendelson
From: Councilmember Elissa Silverman 
Date: November 4, 2020
Subject: Request to Agendize Measure for the November 10, 2020, Committee of the Whole and Legislative Meetings

I respectfully request a waiver of Council Rule 231(c) to place the following measures on the agenda for the November 10, 2020, Legislative Meeting, or for an Additional Committee of the Whole Meeting on the same day, should one be scheduled:

- B23-309, “Medical Marijuana Program Patient Employment Protection Amendment Act of 2020”
- B23-500, “Unemployment Compensation Employer Classification Amendment Act of 2020”

B23-309, “Medical Marijuana Program Patient Employment Protection Amendment Act of 2020.” This bill would prohibit the District of Columbia government from taking adverse employment action against District government employees who are participating in a medical marijuana program. There are currently no employment protections for District workers who use marijuana, although both medical and recreational marijuana are legal in the District. This means employees may be disciplined or fired for using marijuana. The print of the bill protections against adverse action for most DC government employees, as long as workers were not impaired at work or used marijuana at work or during work hours. The print excludes workers in safety-sensitive jobs from the employment protections. However, the print also refines the definition of “safety sensitive,” to ensure it aligns with the spirit of the law, and it adds several new rights: It affords workers in safety-sensitive jobs the right to know their job’s designation, receive notice of a change in their job’s designation, appeal their job’s designation to an independent agency, and receive notice of their rights under the law. The print also provides all medical marijuana patients the right to reasonable accommodation, similar to such right under the Americans with Disabilities Act.

B23-500, “Unemployment Compensation Employer Classification Amendment Act of 2020.” The legislation is technical in nature. It conforms the District’s unemployment compensation law with the requirements of federal law in two ways. First, the bill would bring the District into compliance with state law requirements set in the Federal Unemployment Tax Act (FUTA) by making sure other states’ employees who work in the District are covered by DC’s unemployment system. Second, the bill conforms our law with requirements of the Federal Pandemic Unemployment Compensation law passed as part of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Normally, UI taxes are based on an employer’s turnover; this is the employer’s so-called “experience rating” or “charging.” During the pandemic, charging has been suspended. The bill clarifies that an employer will not be charged for their workers who received FPUC, consistent with the CARES Act.

The reports and prints of all three measures were timely filed and are attached. If you have any questions regarding this measure, please contact Liz Weiss at 202-727-1974.

cc: Members, Council of the District of Columbia
Office of the Secretary
Office of the General Counsel