

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

---

Councilmember Christina Henderson

---

Councilmember Elissa Silverman

---

Councilmember Janeese Lewis George

A BILL

---

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

---

To amend, on an emergency basis, the Universal Paid Leave Amendment Act of 2016 to prohibit the reduction of short-term disability benefits based on actual or estimated paid leave benefits; and to amend Title I of the Insurance Trade and Economic Development Amendment Act of 2000 to prohibit an insurer from offsetting or reducing benefits under a short-term disability insurance policy based on estimated or actual benefits received under the Universal Paid Leave Amendment Act of 2016.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Short-term Disability Insurance Benefit Protection Emergency Amendment Act of 2021”.

Sec. 2. (a) The Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq*), is amended as follows:

(1) Section 107 (D.C. Official Code § 32-541.07) is amended by adding a new subsection (j) to read as follows:

36 “(j) Estimated or actual payment of benefits under this act may not be used to offset or  
37 reduce benefits or income available to an eligible individual under a temporary or short-term  
38 disability insurance policy or contract.”.

39 (2) Section 108(e) (D.C. Official Code § 32-541.08(e)) is amended by striking the period  
40 and inserting the phrase “, except that complaints arising from a violation of section 107(j) shall  
41 be filed with the Department of Insurance, Securities, and Banking for resolution pursuant to  
42 Title I of the Insurance Trade and Economic Development Amendment Act of 2000, effective  
43 April 3, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*)” in its place.

44 (3) Section 112(a) (D.C. Official Code § 32-541.12(a)) is amended to read as follows:

45 “(a) Subject to the provisions in subsection (b) of this section, an eligible individual, the  
46 Attorney General of the District of Columbia, or the Mayor may bring a civil action against an  
47 employer to enforce the provisions of this act, or in the case of a violation of section 107(j),  
48 against an insurance company to enforce that subsection, in any court of competent  
49 jurisdiction.”.

50 (b) Title I of the Insurance Trade and Economic Development Amendment Act of 2000,  
51 effective April 2, 2001 (D.C. Law 13-265; D.C. Official Code § 31-2231.01 *et seq.*), is amended  
52 by adding a new section 120a to read as follows:

53 “Sec. 120a. Prohibition on offsetting short-term disability benefits.

54 No insurer may offset or reduce benefits or income available to an individual under a  
55 temporary or short-term disability insurance policy based on estimated or actual benefits the  
56 individual may or does receive under the Universal Paid Leave Amendment Act of 2016,  
57 effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*)”.

Circulation, April 1, 2021

58           Sec. 3. Fiscal impact statement.

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

62           Sec. 4. Effective date.

63           This act shall take effect following approval by the Mayor (or in the event of veto by the  
64 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than  
65 90 days, as provided for emergency acts of the Council of the District of Columbia in section  
66 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;  
67 D.C. Official Code § 1-204.12(a)).