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Councilmember Christina Henderson

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Councilmember Elissa Silverman

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Councilmember Janeese Lewis George

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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

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

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

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

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

56           No insurer may offset or reduce benefits or income available to an individual under a  
57 temporary or short-term disability insurance policy based on estimated or actual benefits the

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58 individual may or does receive under the Universal Paid Leave Amendment Act of 2016,  
59 effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).”.

60           Sec. 3. Fiscal impact statement.

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

64           Sec. 4. Effective date.

65           (a) This act shall take effect following the approval by the Mayor (or in the event of veto  
66 by the Mayor, action by the Council to override the veto), a 30-day period of Congressional  
67 review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved  
68 December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the  
69 District of Columbia Register.

70           (b) This act shall expire after 225 days of its having taken effect.