

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Unemployment Compensation Act to provide that confidential unemployment insurance claim data must be disclosed to the Council upon request in connection with the Council's official duties.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Constituent Unemployment Compensation Information Emergency Declaration Resolution of 2021".

Sec. 2. (a) A major responsibility of the Council of the District of Columbia is to assist constituents when they ask for help navigating District government services. This has been especially crucial during the COVID-19 pandemic when thousands of unemployment compensation ("unemployment insurance" or "UI") applicants needed help with their claims. Hundreds of claimants, and dozens of "employing units" (employers) have contacted the Council about UI. In most cases, the Council alerts the responsible agency, the Department of Employment Services ("DOES"), to the claimant's request and DOES addresses the problem directly with the claimant. In some instances, the Council will request more detailed information about a claimant's particular issue to ascertain whether DOES provided the requested assistance. In those cases, DOES may need to disclose some individual- or claim-specific information in its answer to the Council to demonstrate whether the claimant's concern was fully addressed.

34 (b) Additionally, in conducting its agency oversight responsibilities and other official  
35 duties, the Council may request that DOES provide it with information about individual UI  
36 claimants, their claims, or employers to determine the agency’s effectiveness at carrying out its  
37 unemployment compensation functions.

38 (c) District law protects the information DOES obtains from claimants and their  
39 employers (“confidential unemployment information”) from being disclosed except under certain  
40 circumstances, in accordance with federal standards. The District must be able to demonstrate to  
41 the federal government that it has strong protections in place to safeguard confidential  
42 unemployment information and ensure continued eligibility for federal funding. While federal  
43 law permits disclosure of such information to elected officials, DOES has stated since August 25,  
44 2021, that the District's current statutory language is ambiguous.

45 (d) Therefore, an emergency amendment is necessary to eliminate perceived ambiguity  
46 and to clarify what evidence DOES may use to document that it has fulfilled its obligations to  
47 protect confidential unemployment information, including for currently pending cases.

48 (e) To effectuate this, the amendment would expressly state that District law permits  
49 disclosure of confidential UI information to Councilmembers performing their official duties,  
50 including agency oversight and constituent services. Without this amendment, the Council has  
51 been unable to receive updates on constituent cases since August 2021, and will continue to be  
52 hindered in fulfilling its official duties. Therefore, a change in the law to ensure Councilmembers  
53 can receive this information is necessary on an emergency basis.

54 Sec. 3. The Council of the District of Columbia determines that the circumstances  
55 enumerated in section 2 constitute emergency circumstances making it necessary that the

56 Constituent Unemployment Compensation Information Emergency Declaration Resolution of  
57 2021be adopted after a single reading.

58           Sec. 4. This resolution shall take effect immediately.

DRAFT