

COUNCIL OF THE DISTRICT OF COLUMBIA

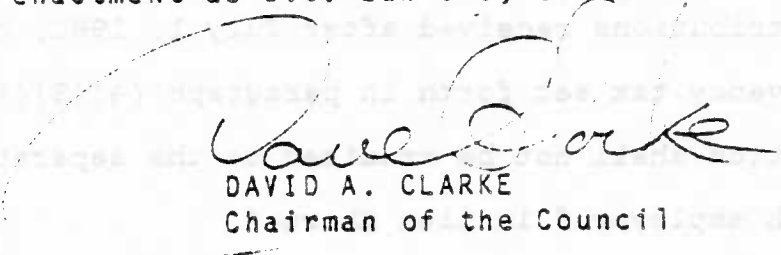
NOTICE

D.C. LAW 5-3

"District of Columbia Unemployment Compensation Act Amendments Act of 1983".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 5-57 on first and second readings, March 1, 1983 and March 15, 1983, respectively. Following the signature of the Mayor on March 15, 1983, this legislation was assigned Act No. 5-13, published in the March 25, 1983 edition of the D.C. Register, (Vol. 30 page 1371) and transmitted to Congress March 17, 1983 for a 30-day review, in accordance with Section 602 (c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 5-3, effective May 7, 1983.



DAVID A. CLARKE
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

March 17,18,21,22,23,24

April 5,6,7,8,11,12,13,14,15,18,19,20,21,22,25,26,27,28,29

May 2,3,4,5,6

AN ACT

D.C. LAW 5-3

D.C. ACT 5-13

EFFECTIVE DATE MAY 07 1983

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

MAR 15 1983

To amend the District of Columbia Unemployment Compensation Act to increase revenue for the District unemployment fund; to change the disqualification provisions for misconduct and refusal of suitable work; to change the maximum duration of benefits; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,
That this act may be cited as the "District of Columbia Unemployment Compensation Act Amendments Act of 1983".

Sec. 2. The District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 956; D.C. Code, sec. 46-101 et seq.) is amended as follows:

(a) Section 3(c)(1) (D.C. Code, sec. 46-103(c)(1)) is amended by striking the period at the end of the 1st sentence and inserting the phrase ": PROVIDED, That contributions received after July 1, 1981, by reason of the solvency tax set forth in paragraph (4)(B)(ii) of this section shall not be credited to the separate account of each employer." in lieu thereof.

CODIFICATION
Note,
D.C. Code,
sec. 46-103
(1981 ed.)

(b) Section 3(c)(2)(A) (D.C. Code, sec. 46-103(c)(2)(A)) is amended by striking the phrase "to a claimant at the time of such payment" in the last sentence.

Note,
D.C. Code,
sec. 46-103
(1981 ed.)

(c) By striking section 3(c)(2)(C) (D.C. Code, sec. 46-103(c)(2)(C)).

Note,
D.C. Code,
sec. 46-103
(1981 ed.)

(d) Section 3(c)(3) (D.C. Code, sec. 46-103(c)(3)) is

amended to read as follows:

"(3)(A) After January 1, 1983, each employer newly subject to this Act shall pay contributions at a rate equal to the average rate on taxable wages of all employers for the preceding twelve-month period ending June 30th (rounded to the next higher tenth of one per centum) or 2.7 per centum, whichever is higher, until he has been an employer for a sufficient period to meet the requirement to qualify for a reduced rate based on experience as provided in paragraph (4) of this subsection.

Note,
D.C.Code,
sec. 46-103
(1981 ed.)

"(B) Employers electing to become liable for payments in lieu of contributions shall make payments pursuant to subsection (h) of this section."

(e) Section 3(c)(4)(B)(ii) (D.C. Code, sec. 46-103(c)(4)(B)(ii)) is amended in the last sentence by striking the phrase ", not to exceed 5.4 per centum".

Note,
D.C.Code,
sec. 46-103
(1981 ed.)

(f) Section 3(c)(3)(A) (D.C. Code, sec. 46-103(c)(3)(A)) is amended as follows:

(1) Immediately following the phrase "(B) of this subsection." add the following sentence:

Note,
D.C.Code,
sec. 46-103
(1981 ed.)

"Effective January 1, 1983, Tax Table IV shall be used to determine each employer's rate of contribution for the applicable calendar year."

(2) By adding new Table IV at the end thereof to read as follows:

"TABLE IV

"(i) 0.8 per centum if the employer's account reserve equals or exceeds 5.5 per

centum of the employer's average
annual payroll;

- "(ii) 1.0 per centum if such reserve equals or exceeds 4.5 per centum but is less than 5.5 per centum of the employer's average annual payroll;
- "(iii) 1.5 per centum if such reserve equals or exceeds 4.0 per centum but is less than 4.5 per centum of the employer's average annual payroll;
- "(iv) 2.0 per centum if such reserve equals or exceeds 3.5 per centum but is less than 4.0 per centum of the employer's average annual payroll;
- "(v) 2.7 per centum if such reserve equals or exceeds 0.0 per centum but is less than 3.5 per centum of the employer's average annual payroll;
- "(vi) 3.2 per centum if such reserve exceeds minus 0.5 per centum but is less than 0.0 per centum of the employer's average annual payroll;
- "(vii) 3.6 per centum if such reserve exceeds minus 1.0 per centum but is less than or equal to minus 0.5 per centum of the employer's average annual payroll;
- "(viii) 4.0 per centum if such reserve exceeds minus 1.5 per centum but is less than

or equal to minus 1.0 per centum of
the employer's average annual payroll;

"(ix) 4.5 per centum if such reserve is equal to
or less than minus 1.5 per centum of
the employer's average annual
payroll."

(g) By striking section 3(c)(8)(C) (D.C. Code, sec.
46-103(c)(8)(C)).

Note,
D.C. Code,
sec. 46-103
(1981 ed.)

(h) Section 3(e) (D.C. Code, sec. 46-103(e)) is
amended to read as follows:

Note,
D.C. Code,
sec. 46-103
(1981 ed.)

"(e) From December 31, 1939, to January 1, 1955,
wages, for the purpose of section 3, shall not include any
amount in excess of \$3,000 paid by an employer to any person
arising out of his or her employment during any calendar
year. From January 1, 1955, to December 31, 1971, wages
shall not include any amount in excess of \$3,000 actually
paid by an employer to any person during any calendar year.
From January 1, 1972, through December 31, 1977, inclusive,
wages shall not include any amount in excess of \$4,200.
From January 1, 1978, through December 31, 1981, taxable
wages shall not include any amount in excess of \$6,000. For
the purpose of determining employer contributions after
January 1, 1982, the term 'wages' shall not include any
amount in excess of \$7,500 (or in excess of the limitation
on the amount of taxable wages fixed by the Federal
Unemployment Tax Act, approved August 28, 1935 (49 Stat.
639; 26 U.S.C. sec. 3306), whichever is greater) actually
paid by an employer to any person during the calendar year.

After December 31, 1954, the term 'employment' for the purpose of this subsection shall include services constituting employment under any employment security law of a State or of the Federal Government. After December 31, 1971, the term 'employment' for the purpose of this subsection shall include services constituting employment performed in the employ of a transferor as determined under the provisions of section 3(c)(7) of this Act. For the purpose of determining employer contributions after January 1, 1983, the term 'wages' shall not include any amount in excess of \$8000 (or in excess of the limitation on the amount of taxable wages fixed by the Federal Unemployment Tax Act, approved August 28, 1935 (49 Stat. 639; 26 U.S.C. sec. 3306), whichever is greater) actually paid by an employer to any person arising out of employment during any calendar year."

(i) Section 4(c)(1) (D.C. Code, sec. 46-105(c)(1)) is amended to read as follows:

"(c)(1) If the contributions or payments in lieu of contributions under section 3(h) are not paid when due, there shall be added thereto interest at the rate of one per centum per month or fraction thereof from the date they become due until paid. Interest shall not run against a court-appointed fiduciary when the contributions or payments in lieu of contributions under section 3(h) are not paid timely because of a court order."

Note,
D.C. Code,
sec. 46-105
(1981 ed.)

(j) Section 4(c)(2) (D.C. Code, sec. 46-105(c)(2)) is amended to read as follows:

Note,
D.C. Code,
sec. 46-105
(1981 ed.)

"(c)(2) If contributions are not paid or wage reports are not filed on or before the first day of the second month following the close of the calendar quarters for which they are due or payments in lieu of contributions under section 3(h) are not made by that time, there shall be added a penalty of 10 per centum of the amount due. The penalty shall not be less than \$100 and for good cause the penalty may be waived by the Director of the Department of Employment Services."

(k) Section 7(b) (D.C. Code, sec. 46-108(b)) is amended to read as follows:

Note,
D.C. Code,
sec. 46-108
(1981 ed.)

"(b)(1) Except as provided in paragraph (2), an individual's 'weekly benefit amount' shall be an amount equal to one twenty-third (computed to the next lower multiple of \$1) of his total wages for insured work paid during that quarter of his base period in which the total wages were highest.

"(2) Effective January 1, 1982, the maximum weekly benefit amount shall be \$206."

(1) Section 7(c) (D.C. Code, sec. 46-108(c)) is amended as follows:

(1) By striking in the 1st sentence the numerals "300" and "450" and inserting the numerals "600" and "900" respectively in lieu thereof;

Note,
D.C. Code,
sec. 46-108
(1981 ed.)

(2) By striking in the 4th sentence the phrase " , whether or not such services were performed in employment as defined in this act, "; and

Note,
D.C. Code,
sec. 46-108
(1981 ed.)

(3) By striking the final sentence and inserting

D.C. Code,
sec. 46-108
(1981 ed.)

the sentence "An individual's deductible pension or annuity amount shall be determined as of the day on which he first files a valid claim for benefits in any benefit year, or as of the day a pension or annuity is first applied for, whichever comes later, and shall be fixed for the duration of the benefit year." in lieu thereof.

(m) Section 7(d) (D.C. Code, sec. 46-108(d)) is amended as follows:

(1) By striking the numeral "34" and inserting the numeral "26" in lieu thereof;

Note,
D.C.Code,
sec. 46-108
(1981 ed.)

(2) By striking in the final sentence the word "higher" and inserting the word "lower" in lieu thereof; and

D.C.Code,
sec. 46-108
(1981 ed.)

(3) By adding at the end of the first sentence the following proviso to read as follows: ": PROVIDED, That the maximum duration of benefits determined on any initial claim made prior to March 15, 1983, shall continue to be 34 weeks during the benefit year to which the initial claim relates."

Note,
D.C.Code,
sec. 46-108
(1981 ed.)

(n) Section 7(e)(2) (D.C. Code, sec. 46-108(e)(2)) is amended by striking in the second sentence the word "higher" and inserting the word "lower" in lieu thereof.

D.C.Code,
sec. 46-108
(1981 ed.)

(o) By adding a new subsection (h) to section 7 (D.C. Code, sec. 46-108) to read as follows:

D.C.Code,
sec. 46-108
(1981 ed.)

"(h) Effective October 1, 1983, in the calculation of an individual's weekly benefit amount, all amounts shall be rounded down to the next lower dollar."

(p) Section 10(a) (D.C. Code, sec. 46-111(a)) is amended to read as follows:

Note,
D.C.Code,
sec. 46-111
(1981 ed.)

"(a) For weeks commencing after March 15, 1983, any individual who left his most recent work voluntarily without good cause connected with the work, as determined under duly prescribed regulations, shall not be eligible for benefits until he has been employed in each of ten subsequent weeks (whether or not consecutive) and, notwithstanding section 1, has earned remuneration from employment equal to not less than ten times the weekly benefit amount to which he would be entitled pursuant to section 7(b)."

(q) Section 10(b) (D.C. Code, sec. 46-111(b)) is amended to read as follows:

Note,
D.C. Code,
sec. 46-111
(1981 ed.)

"(b) For weeks commencing after March 15, 1983, any individual who has been discharged for misconduct occurring in the course of his most recent work, as determined under duly prescribed regulations, shall not be eligible for benefits until he has been employed in each of ten subsequent weeks (whether or not consecutive) and, notwithstanding section 1, has earned remuneration from employment equal to not less than ten times the weekly benefit amount to which he would be entitled pursuant to section 7(b)."

(r) Section 10(c) (D.C. Code, sec. 46-111(c)) is amended to read as follows:

Note,
D.C. Code,
sec. 46-111
(1981 ed.)

"(c)(1) For weeks commencing after March 15, 1983, if any individual without good cause (as determined under duly prescribed regulations) fails to apply for new work in covered employment found to be suitable when

notified by any employment office or fails to accept any suitable work in covered employment when offered by any employment office, by a union hiring hall, or directly by any employer, that individual shall not be eligible for benefits until he has been employed in each of ten subsequent weeks (whether or not consecutive) and, notwithstanding section 1, has earned remuneration from employment equal to not less than ten times the weekly benefit amount to which he would be entitled pursuant to section 7(b).

"(2) In determining whether or not work is suitable, the following shall be considered:

"(A) The physical fitness and prior training, experience, and earnings of the individual;

"(B) The distance of the place of work from the individual's place of residence; and

"(C) The risk involved as to health, safety, or morals.

"(3) The term 'in covered employment' as used in this section means employment which is insured under this Act or any other state or federal unemployment insurance program."

(s) Section 13(c) (D.C. Code, sec. 46-114(c)) is amended by striking the words "Board" and "Congress" and inserting the words "Mayor" and "Council" respectively in lieu thereof.

D.C. Code,
sec. 46-114
(1981 ed.)

Sec. 3. Unemployment Compensation Study Commission on the Solvency of the District Unemployment Fund

Note,
D.C. Code,
sec. 46-102
(1981 ed.)

(a) There is established an Unemployment Compensation Study Commission on the Solvency of the District Unemployment Fund ("Study Commission").

(b) The Study Commission shall consist of 9 members appointed as follows:

(1) The Mayor of the District of Columbia ("Mayor") shall appoint 1 member. The member appointed by the Mayor shall represent the interests of the District of Columbia government.

(2) The Chairperson of the Council of the District of Columbia ("Council") Committee on Housing and Economic Development shall appoint 1 public member not employed by the District of Columbia government to serve as chairperson of the Study Commission.

(3) The Chairman of the Council shall appoint 1 member.

(4) Metropolitan Washington Council AFL-CIO shall appoint 3 members who shall represent the interests of labor.

(4) The Greater Washington Board of Trade shall appoint 3 members who shall represent the interests of management.

(c) Vacancies occurring upon the Study Commission shall be filled in the same manner as original appointees as provided in subsection (b). All members of the Study Commission serve at the pleasure of their respective appointing authority and may be removed at any time.

(5) Members of the Study Commission shall serve

without compensation but may be reimbursed for actual expenses incurred in the performance of their duties, except that the chairman of the Study Commission shall be compensated at the rate of \$100 per meeting.

(e) Members of the Study Commission shall be appointed within 15 days of the effective date of this act and the chairperson of the Study Commission shall convene an organizational meeting no later than 15 days after 5 of the members of the Study Commission are appointed.

(f) Five members of the Study Commission constitute a quorum for the conduct of business.

(g) The Study Commission shall study all matters relating to the solvency of the District unemployment fund and make recommendations no later than December 31, 1983, to the Council to eliminate the deficit of the fund. Any matter reasonably related to the question of the solvency of the fund may be considered by the Study Commission.

(h) The Mayor shall provide sufficient space for the Study Commission to operate.

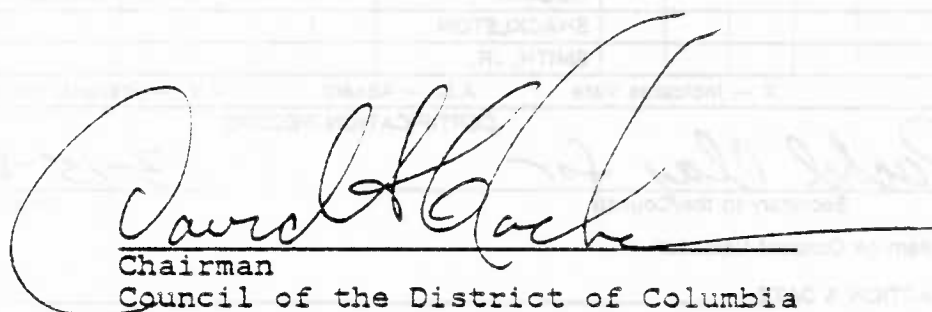
(i) The Study Commission, in cooperation with the Mayor, may receive funds from private and public sources to carry out its mandate. All funds received from sources other than appropriated funds of the District of Columbia government shall be noted in the District of Columbia Register at least 10 days prior to their anticipated receipt.

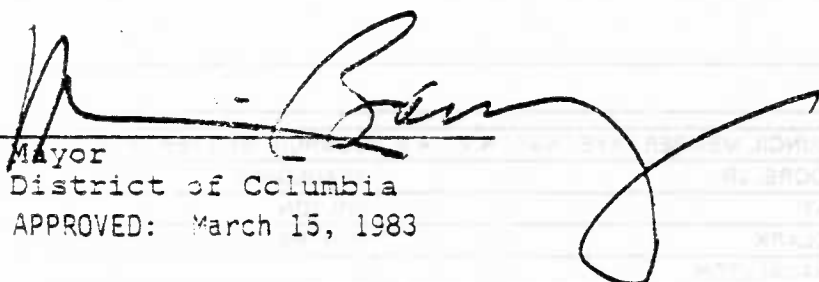
(j) The Mayor may detail personnel to assist the Study Commission in its activities.

(k) Notwithstanding section 3 of the Reprogramming Policy Act of 1980, effective July 16, 1980 (D.C. Law 3-100; D.C. Code, sec. 47-362), the Study Commission may expend no more than \$100,000 of District of Columbia government appropriated funds, which shall be made available through a reprogramming of funds initiated by the Mayor.

Sec. 4. Except for provisions of section 2(1)(3), (m)(2), (n), (o), and (s), this act shall expire on December 31, 1985.

Sec. 5. This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)).


 Chairman
 Council of the District of Columbia


 Mayor
 District of Columbia
 APPROVED: March 15, 1983



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Five — First Session

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B 5-57

Item on Consent Calendar

ACTION & DATE: Adopted First Reading, 3-1-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: all present

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Rachel Clay for
 Secretary to the Council

3-15-83
 Date

Item on Consent Calendar

ACTION & DATE: Adopted Final Reading, 3-15-83

VOICE VOTE: Unanimous

Recorded vote on request

Absent: Moore

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Rachel Clay for
 Secretary to the Council

3-15-83
 Date

Item on Consent Calendar

ACTION & DATE: _____

VOICE VOTE: _____

Recorded vote on request

Absent: _____

ROLL CALL VOTE: — RESULT _____

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MOORE, JR.					SPAULDING				
CRAWFORD					RAY					WILSON				
JARVIS					ROLARK					WINTER				
KANE					SHACKLETON									
MASON					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Secretary to the Council

Date