

D.C. LAW 2-129

DISTRICT OF COLUMBIA UNEMPLOYMENT COMPENSATION ACT AMENDMENTS OF
1978

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

AUGUST 30, 1978

To amend the District of Columbia Unemployment Compensation Act.

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 of 1978".

Sec. 2. The District of Columbia Unemployment Compensation Act (49 Stat. 946; D.C. Code, sec. 46-301 et seq.), approved August 28, 1935, as amended, is further amended as follows:

(a) Section 1(b)(1) of such Act (49 Stat. 946; D.C. Code, sec. 46-301(b)(1)) is amended by:

- (1) striking out "1972" in subparagraph (A) and inserting in lieu thereof "1978";
- (2) inserting subparagraph (B) the clause designation "(i)" immediately before "Service;";
- (3) adding the following new clause in subparagraph

(B):
 "(ii) Service performed after December 31, 1977, in the employ of the District or any of its instrumentalities, or in any instrumentality of the District and one or more States or political subdivisions: PROVIDED, That such service is excluded from "employment" as defined in the Federal Unemployment Tax Act (26 U.S.C. 3301-3311) by section 3306(c)(7) (26 U.S.C. 3306(c)(7)) of that Act and is not excluded from "employment" under section 1(b)(1)(D) of this Act.;

(4) amending clause (v) in subparagraph (D) to read as follows:

"(v) prior to January 1, 1978, for a hospital in a prison or other correctional institution of the District by an inmate of the prison or correctional institution and after December 31, 1977, by an inmate of a custodial or penal institution.;"

(5) amending the first paragraph of subparagraph (E) to read as follows:

"(E) The term 'employment' shall include the service of an individual who is a citizen of the United States (except in Canada, and except in the Virgin Islands until and including December 31st of the year in which the Secretary of Labor, approves for the first time, an unemployment insurance law of the Virgin Island submitted to him for approval) after December 31, 1971, in the employ of an American employer (other than service which is deemed 'employment' under the provisions of section 1(b)(2) of this Act or the parallel provisions of another State's law), if:"

(6) amending clause (v) of subparagraph (E) to read as follows:

"(v) as used in this subparagraph the term "United States" includes the States, the District of Columbia, the Commonwealth

of Puerto Rico, and the Virgin Islands as provided in section 1(b)(1)(E)."; and

(7) adding at the end of subparagraph (F) the following sentence:

"After December 31, 1977, the term 'employment' shall also include personal and domestic service in a local college club or a college fraternity or sorority for an employer who paid cash remuneration of \$500 or more in any calendar quarter in the current or preceding calendar year to individuals employed in such domestic service."

(b) Section 1(b)(5) of such Act (49 Stat. 946; D.C. Code sec. 46-301(b)(5)) is amended by:

(1) striking out subparagraph (E) in its entirety;

(2) redesignating subparagraphs (F) through (R) as subparagraphs (E) through (Q), respectively;

(3) striking out the designation "(i)" in subparagraph (G) (as redesignated);

(4) striking out clauses (ii) and (iii) in redesignated subparagraph (G);

(5) striking out subclause designations "(I)" and "(II)" in redesignated subparagraph (G), and inserting in lieu thereof clause designations "(i)" and "(ii)", respectively; and

(6) striking out "\$45" in clause (i) (as redesignated), and inserting in lieu thereof "\$50".

(c) Section 1(b)(6) of such Act (49 Stat. 946; D.C. Code, sec. 46-301(b)(6)) is amended by striking out "(G)" in the last sentence and inserting in lieu thereof "(F)".

(d) Section 1(b)(8) of such Act (49 Stat. 946; D.C. Code, sec. 46-301(b)(8)) is amended by striking out subparagraph (C) in its entirety.

(e) Section 1(c) of such Act (49 Stat. 946; D.C. Code, sec. 46-301(c)) is amended by adding the following new paragraph (3) at the end thereof to read as follows:

"(3) With respect to weeks of unemployment beginning on or after January 1, 1976, wages for insured work shall include wages paid for previously uncovered services. For the purposes of this subsection, the term 'previously uncovered services' means services which were not employment as defined in section 1(b)(1) and were not services covered pursuant to section 1(b)(8) at any time during the one-year period ending December 31, 1975, and which were newly covered services as mandated by the Unemployment Compensation Amendments of 1976, approved October 20, 1976 (P.L. 94-566; 90 Stat. 2667), except to the extent that assistance under Title I of the Emergency Jobs and Unemployment Assistance Act of 1974, approved December 31, 1974 (P.L. 93-567; 88 Stat. 1850), was paid on the basis of such services."

(f) Section 1(e) of such Act (49 Stat. 947; D.C. Code, sec. 46-301(e)) is amended to read as follows:

"(e) An individual shall be deemed 'unemployed' with respect to any week during which he performs no service and with respect to which no earnings are payable to him or with respect to any week of less than full-time work if eighty per

centum of the earnings payable to him with respect to such week are less than his weekly benefit amount plus twenty dollars."

(g) Section 1(q) of such Act (49 Stat. 947; D.C. Code, sec. 46-301(q)) is amended by inserting "Commonwealth of" immediately before "Puerto Rico".

(h) Section 3(b) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(b)) is amended by inserting the following sentence at the end thereof to read as follows:

"After December 31, 1978, each employer shall pay contributions at the rate in effect for the current year as provided by subsections (c)(3), (c)(4)(B), and (c)(8)(A) of this section."

(i) Section 3(c)(2) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(c)(2)) is amended to read as follows:

"(2)(A) Benefits paid to an individual with respect to any week of unemployment which was based on an initial claim filed after June 30, 1939, and before July 1, 1940, shall be charged against the account of his most recent employer. Benefits paid to an individual on an initial claim for benefits filed after June 30, 1940, shall be charged against the accounts of his base period employers, except as specifically provided by subparagraphs (B), (C) and (D) below. The amount of benefits so chargeable against each base period employer's account shall bear the same ratio to the total benefits paid to an individual as the base period wages paid to the individual by such employer bear to the total amount of the base period wages paid to the individual by all of his base period employers. The principal base period employer shall be notified of each payment of benefits chargeable to such employer's account to a claimant at the time of such payment.

"(B) After December 31, 1971, benefits paid to an individual for any week during which he is attending a training or retraining course under the provision of section 10(d)(2) of this Act shall not be charged against such employer accounts.

"(C) After December 31, 1971, extended benefits paid to an exhaustee under the provisions of section 7(g) of this Act shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under sections 3(f) or 3(h) of this Act.

"(D) Commencing with the first full calendar quarter following the effective date of this Act, but no earlier than January 1, 1979, benefits paid to an individual subsequent to a disqualification imposed under the provisions of section 10(a) or 10(b) of this Act shall not be charged against such employer accounts, except that this provision shall not apply to employers who have elected to make payments in lieu of contributions under sections 3(f) or 3(h) of this Act."

(j) Section 3(c)(3) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(c)(3)) is amended to read as follows:

"(3) The standard rate of contributions shall be 2.7 per centum, except that after December 31, 1978, 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 calendar year (rounded to the next higher one-tenth of 1 per centum), or 1 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 as provided in paragraph (4) of this subsection; thereafter, his contribution rate shall be determined in accordance with the provisions of such paragraph (4); PROVIDED, That employers electing to become liable for payments in lieu of contributions shall make such payments pursuant to subsection (h) of this section."

(k) Section 3(c)(4) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(c)(4)) is amended by:

(1) amending subparagraph (A) to read as follows:

"(A) After December 31, 1978, contribution rates of all employers whose accounts could have been charged with benefits paid throughout the thirty-six consecutive calendar-month period ending on the computation date applicable to such year or part thereof shall be determined in accordance with the provisions of subparagraph (B) of this paragraph."

(2) striking out subparagraphs (B) and (C) and inserting in lieu thereof the following new subparagraph to read as follows:

"(B)(i) If the amount of the fund referred to in section 6 as of September 30 of any year is less than the amount of the fund as of September 30 of the preceding year, and does not equal or exceed one and one-half times the amount of benefits paid during the twelve-consecutive-month period ending on September 30 of the current year, Table I in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph. If the amount in such fund as of September 30 of any year is greater than the amount in the fund as of September 30 of the preceding year but does not equal or exceed one and one-half times the amount of benefits paid during the twelve-consecutive-month period ending September 30 of the current year, Table II in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph. If the amount in such fund as of September 30 of any year equals or exceeds one and one-half times the amount of benefits paid in the twelve-consecutive-month period ending September 30 of the current year, Table III in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph;

"(ii) Notwithstanding the provisions of clause (i) of this subparagraph, if the amount in the fund as of

September 30 of any year is equal to or less than 2 per centum of the total payrolls subject to contributions under this Act for the twelve-consecutive-month period ending on the preceding June 30, Table I in subsection (c)(8)(A) of this section shall be used to compute rates for employers pursuant to subparagraph (A) of this paragraph, except that an additional .9 per centum solvency tax shall be added to each employer's rate not to exceed 5.4 per centum.";

(3) redesignating subparagraph (D) as subparagraph (C);
and

(4) striking out "(D)" in the last sentence and inserting in lieu thereof "(C)".

(1) Section 3(c)(8) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(c)(8)) is amended by:

(i) amending subparagraph (A) to read as follows:

"(A) As of the computation date, the total benefits paid after June 30, 1939, then chargeable or charged to any employer's account, shall be subtracted from the total of all contributions credited to his account with respect to employment since May 31, 1939. The result of this computation shall be known as the employer's reserve and his contribution rate for the ensuing calendar year shall be established under Table I, II, or III of this subparagraph in accordance with the provisions of paragraph (4)(B) of this subsection.

"TABLE I

"(i)	0.1 per centum if such reserve equals or exceeds 0.0 per centum of the employer's average annual payroll;
"(ii)	0.5 per centum if such reserve equals or exceeds 5.5 per centum but is less than 6.0 per centum of the employer's average annual payroll;
"(iii)	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;
"(iv)	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;
"(v)	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;
"(vi)	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;
"(vii)	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;

- "viii) 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;
- "(ix) 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;
- "(x) 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.

"TABLE II

- "(i) 3.1 per centum if such reserve equals or exceeds 4.5 per centum of the employer's average annual payroll;
- "(ii) 0.5 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;
- "(iii) 1.0 per centum if such reserve equals or exceeds 3.0 per centum but is less than 4.0 per centum of the employer's average annual payroll;
- "(iv) 1.5 per centum if such reserve equals or exceeds 2.5 per centum but is less than 3.0 per centum of the employer's average annual payroll;
- "(v) 2.0 per centum if such reserve equals or exceeds 2.0 per centum but is less than 2.5 per centum of the employer's average annual payroll;
- "(vi) 2.7 per centum if such reserve equals or exceeds 0.3 per centum of the employer's average annual payroll;
- "(vii) 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;
- "(viii) 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;
- "(ix) 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;
- "(x) 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.

"TABLE III

- "(i) 0.1 per centum if such reserve equals or exceeds 3.5 per centum of the employer's average annual payroll;
- "(ii) 0.5 per centum if such reserve equals or exceeds 3.0 per centum but is less than 3.5 per centum of the employer's average annual payroll;
- "(iii) 1.0 per centum if such reserve equals or exceeds 2.0 per centum but is less than 3.0 per centum of the employer's average annual payroll;
- "(iv) 1.5 per centum if such reserve equals or exceeds 1.5 per centum but is less than 2.0 per centum of the employer's average annual payroll;
- "(v) 2.0 per centum if such reserve equals or exceeds 1.0 per centum but is less than 1.5 per centum of the employer's average annual payroll;
- "(vi) 2.7 per centum if such reserve equals or exceeds 0.0 per centum but is less than 1.0 per centum of the employer's average annual payroll;
- "(vii) 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;
- "(viii) 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;
- "(ix) 4.0 per centum if such reserve is equal to or less than minus 1.0 per centum of the employer's average annual payroll."

(2) striking out subparagraph (B) in its entirety; and

(3) redesignating subparagraphs (C) and (D) as subparagraphs (B) and (C), respectively.

(m) Section 3(c)(9)(B) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(c)(9)(B)) is amended by striking out "(D)" and inserting in lieu thereof "(C)".

(n) Section 3(e) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(e)) is amended by striking out "After December 31, 1971 wages shall not include any amount in excess of \$4,200", and inserting in lieu thereof "From January 1, 1972, to December 31, 1977, inclusive, wages shall not include any amount in excess of \$4,200. After December 31, 1977, wages shall not include any amount in excess of \$6,000".

(o) Section 3(f) of such Act (49 Stat. 948; D.C. CODE, SEC. 46-303(F)) IS AMENDED BY:

(1) inserting the paragraph designation "(1)" immediately after (f);

(2) designating the second unnumbered paragraph as paragraph "(2)"; and

(3) adding the following new paragraph at the end thereof to read as follows:

"(3) After December 31, 1977, the District shall be provided the option of financing the costs of benefits paid to employees of the District by electing to pay contributions under the provisions of section 3(c) or by electing to become liable for payments in lieu of contributions under the same terms and conditions provided for nonprofit organizations in section 3(h), except as provided in the following sentence. For weeks of unemployment beginning January 1, 1979, and thereafter, the District will be chargeable if it elects to pay contributions, or will be liable if it elects to make payments in lieu of contributions, for the cost of regular benefits plus one hundred per centum of any extended benefits paid that are attributable to service in the employ of the District."

(p) Section 3(h)(1) of such Act (49 Stat. 948; D.C. Code, sec. 46-303(h)(1)) is amended by adding the following new subparagraph at the end thereof to read as follows:

"(G) Any nonprofit organization which elects to make payments in lieu of contributions into the District unemployment compensation fund as provided in this paragraph shall not be liable to make such payments with respect to the benefits paid to any individual whose base-period wages include wages for previously uncovered services as defined in section 1(c)(3) of this Act to the extent that the unemployment compensation fund is reimbursed for such benefits pursuant to section 121 of the Unemployment Compensation Amendments of 1976, approved October 20, 1976 (P.L. 94-566; 90 Stat. 2667)."

(q) Section 3 of such Act (49 Stat. 948; D.C. Code, sec. 46-303) is amended by adding at the end thereof the following new subsection to read as follows:

"(k) Notwithstanding any provisions of this Act, no employer's experience rating account shall be charged with respect to benefits paid to any individual whose base period wages include wages for previously uncovered services as defined in section 1(c)(3) of this Act to the extent that the unemployment insurance fund is reimbursed for such benefits pursuant to section 121 of the Unemployment Compensation Amendments of 1976, approved October 20, 1976 (P.L. 94-566; 90 Stat. 2667)."

(r) Section 6 of such Act (49 Stat. 949; D.C. Code, sec. 46-306) is amended by:

(1) inserting the subsection designation "(a)" immediately before "All"; and

(2) adding the following new subsections to read as follows:

"(b) The fund shall consist of (1) all employer contributions and payments in lieu of contributions collected under this Act; (2) interest earned upon the money in the fund; (3) any property or securities acquired through the use of money belonging to the fund; (4) all earnings of such property or securities; (5) all money credited to the District account in the Unemployment Trust Fund pursuant to section 903 of the Social Security Act; and (6) all other money received for the fund from any other source.

"(c) In determining the balance in the fund for the purpose of section 3(c)(4)(B), there shall be excluded:

"(1) any amount credited to the District's account in the Unemployment Trust Fund pursuant to section 903 of the Social Security Act which has been appropriated for expenses of administration, whether or not such amount has been withdrawn from the fund;

"(2) any amount paid in advance into the fund by an employer under any type of coverage pursuant to which reimbursement of benefits paid is permitted in lieu of contributions required of employers;

"(3) any amount paid in advance into the fund by the Federal Government under the provisions of any Federal law that requires or permits the District to pay benefits from the fund and provides for advances by the Federal Government or reimbursement of all or part of such benefits; and

"(4) any estimated or other contributions not legally due and payable with respect to the calendar quarter ending September 30 of the year for which the balance in the fund is determined.

"(d) In determining the balance in the fund for purposes of section 3(c)(4)(B), there shall be included negative entries corresponding to any amounts owed to the Federal unemployment account as a result of advances to the fund in accordance with title XII of the Social Security Act."

(s) Section 7(c) of such Act (49 Stat. 949; D.C. Code, sec. 46-307(c)) is amended by:

(1) inserting immediately following the penultimate sentence the following new sentence:

"When an individual's weekly benefit amount is reduced by a pension, the individual's maximum weekly benefit amount shall be deducted from his total amount of benefits determined pursuant to subsection (d) of this section."

(2) striking out "two" in the last sentence and inserting in lieu thereof "three"; and

(3) inserting after the first sentence of subsection (c) the following:

"If a claimant satisfies the above except that he received wages over the amount necessary to become eligible for maximum benefits, in the quarter in which his wages were the highest, then the additional wages received in such quarter shall not be considered in determining eligibility."

(t) Section 7(e) of such Act (49 Stat. 949; D.C. Code, sec. 46-307(e)) is amended to read as follows:

"(e) Any individual who is unemployed in any week as defined in section 1(e) and who meets the conditions of eligibility for benefits of section 9 and is not disqualified under the provisions of section 10 shall be paid with respect to such week an amount equal to the individual's weekly benefit amount less any earnings payable to the individual with respect to such week deductible in accordance with the following formula:

"Twenty dollars will be added to the weekly benefit amount; from the resulting sum will be subtracted eighty per centum of any earnings payable to the individual for such week. The resulting benefits, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar. In no event shall the amount paid for any week exceed the individual's established weekly benefit amount."

(u) Section 7(g)(1) of such Act (49 Stat. 949; D.C. Code, sec. 46-307(g)(1) is amended by amending subparagraphs (B), (C), (D), and (E) to read as follows:

"(B) After December 31, 1976, there is a national 'on' indicator for a week if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (seasonally adjusted) for all States equaled or exceeded 4.5 percent. The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of such period.

"(C) After December 31, 1976, there is a national 'off' indicator for a week, if, for the period consisting of such week and the immediately preceding twelve weeks, the rate of insured unemployment (seasonally adjusted) for all States was less than 4.5 percent. The rate of insured unemployment, for the purposes of this subsection, shall be determined by the Secretary of Labor by reference to the average monthly covered employment for the first four of the most recent six calendar quarters ending before the close of such period.

"(D) There is a State 'on' indicator for the District for a week if the rate of insured unemployment under this Act for the period consisting of such week and the immediately preceding twelve weeks:

"(i) equaled or exceeded 120 per centum of the average of such rates for the corresponding 13-week period ending in each of the preceding two calendar years; and

"(ii) equaled or exceeded 4 percent: PROVIDED, That with respect to benefits for weeks of unemployment beginning after March 31, 1977, the determination of whether there has been a State "on" or "off" indicator beginning or ending any extended benefit period shall be made under this subsection as if (I) subparagraph (D) did not contain clause (i) thereof, and (II) the figure "4" contained in clause (ii) thereof were "5": EXCEPT, That notwithstanding any such provision of this subsection, any week for which there would otherwise be a State "on" indicator shall be continued to be such a week and shall not be determined to be a week for which there is a State "off" indicator.

"(E) There is a State "off" indicator for the District for a week if, for the period consisting of such week and the immediately preceding twelve weeks, either clause (i) or (ii) of subparagraph (D) was not satisfied."

(v) Section 7(g) of such Act (49 Stat. 949; D. C. Code, sec. 46-307(g)) is amended by striking out paragraph (7).

(w) Section 8(g) of such Act (49 Stat. 95; D.C. Code, sec. 46-309(g)) is amended by:

(1) inserting the paragraph designated "(1)" immediately before "Benefits";

(2) adding the following new paragraph (2) to read as follows:

"(2) Benefits based on service in employment defined in section 1(b)(1)(B) and (C) shall be payable in the same amount, on the same terms and subject to the same conditions as benefits payable on the basis of other service subject to the Act: EXCEPT, That with respect to weeks of unemployment

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beginning after December 31, 1977, in an instructional, research, or principal administrative capacity for an educational institution, benefits shall not be paid based on such services for any week of unemployment commencing during the period between two successive academic years or terms (or, when an agreement provides instead for a similar period between two regular but not successive terms, during such period) or during a period of paid sabbatical leave provided for in the individual's contract, to any individual if such individual performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that such individual will perform services in any such capacity for any educational institution in the second of such academic years or terms. Section 9(g)(1) shall apply with respect to benefits payable for weeks of unemployment beginning before January 1, 1978, based on such services."

(x) Section 9 of such Act (49 Stat. 950; D.C. Code, sec. 46-309) is amended by adding the following new subsections (h) and (i) at the end thereof to read as follows:

"(h) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two successive sport seasons (or similar periods) if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

"(i)(1) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was permanently residing in the United States under color of law at the time such services were performed (including an alien who was lawfully present in the United States as a result of the application of the provisions of section 203(a)(7) or section 212(d)(5) of the Immigration and Nationality Act).

"(2) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.

"(3) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence."

(y) Section 10(a) of such Act (49 Stat. 950; D.C. Code, sec. 46-310(a)) is amended to read as follows:

"(a) An individual who left his most recent work voluntarily without good cause connected with the work, as determined by the Board under regulations prescribed by it, shall not be eligible for benefits with respect to the week for which he first files for benefits and with respect to not less than six nor more than twelve consecutive weeks of unemployment which immediately follow such week. The length of the disqualification shall be determined by the Board under regulations prescribed by it, according to the seriousness of the case. In the event such leaving occurs when the individual has an unexpired benefit year, the disqualification shall commence with the week for which he reopens his claim. In addition, such individual's total benefit amount shall be reduced in a sum equal to the number of weeks of disqualification multiplied by his weekly benefit amount."

(z) Section 10(b) of such Act (49 Stat. 950 D.C. Code, sec. 46-310(b)) is amended in its entirety to read as follows:

"(b) An individual who has been discharged for misconduct occurring in the course of his most recent work proved to the satisfaction of the Board shall not be eligible for benefits with respect to the week for which he first files for benefits and with respect to not less than six nor more than twelve consecutive weeks of unemployment which immediately follow such week. The length of the disqualification shall be determined by the Board under regulations prescribed by it, according to the seriousness of the case. In the event such discharge occurs when the individual has an unexpired benefit year, the disqualification shall commence with the week for which he reopens his claim. In addition, such individual's total benefit amount shall be reduced in a sum equal to the number of weeks of disqualification multiplied by his weekly benefit amount."

(aa) Section 10(f) of such Act (49 Stat. 951; D.C. Code, sec. 46-310(f)) is amended by inserting in the first sentence, ", other than a lockout," after the word "dispute".

(bb) Section 10(h) of such Act (49 Stat. 951; D.C. Code, sec. 46-310(h)) is amended by adding at the end thereof the following new sentence to read as follows:

"There shall be no presumption that a person who is pregnant is physically unable to work, even when pregnancy was an issue with respect to the reason for separation from employment."

(cc) Section 10 of such Act (49 Stat. 951; D.C. Code, sec. 46-310) is amended by adding the following new subsection (i) to read as follows:

"(i) Notwithstanding the provisions of section 7 of this Act, all benefits payable to an individual subsequent to any disqualification period under the provisions of sections 10(a) or 10(b) of this Act, with respect to an initial claim which becomes effective during a calendar year beginning after December 31, 1979, shall be reduced by an amount equal to ten per centum (10%)

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of the amount to which the individual would otherwise be entitled, rounded to the next lower multiple of one dollar: PROVIDED, (1) that the total amount of benefits paid during the twelve month period ending June 30 of the preceding year exceeds the total amount of contributions and interest paid into the fund during the same period, as determined by the Board by September 30 of 1979 and of each succeeding year; and (2) that the Board so certified to the Council of the District of Columbia and that during the forty-five day period (excluding recesses of the Council and holidays) after such certification is submitted to the Council by the Board, the Council does not adopt a resolution disapproving the lower payments authorized by this subsection. Solely for the purpose of determining whether the conditions described in paragraph (1) of this subsection exist, 'contributions' shall not include payments in lieu of contributions pursuant to sections 3(f) and 3(h) of this Act, and 'benefits' shall not include payments chargeable to the accounts of employers who have elected to make payments in lieu of contributions pursuant to sections 3(f) or 3(h) of this Act."

(dd) Section 13(b) of such Act (49 Stat. 953; D.C. Code, sec. 46-313(b)) is amended to read as follows:

"Notwithstanding any other provision of law, the Board is authorized to prescribe all reasonable regulations which may be necessary to implement this Act: PROVIDED, HOWEVER, That no rule or regulation shall take effect until the end of the thirty calendar day period (excluding recesses of the Council) beginning on the day such rules and regulations are transmitted by the Chairperson of the Board to the Chairperson of the Council, and then, only if during such thirty calendar day period, the Council does not adopt a resolution disapproving such rules and regulations."

(ee) Section 15(a) (49 Stat. 954; D.C. Code, sec. 46-315) of such Act is amended to read as follows:

"(a) There is hereby established the District of Columbia Unemployment Compensation Board, to be composed of the Mayor or his designee as member ex-officio, two representatives of employers and two representatives of employees to be appointed by the Mayor. Each such representative shall be a resident of the District of Columbia. Members of the Unemployment Compensation Board shall be representative of the population of the District of Columbia. Each representative shall hold office for a term of three years: EXCEPT, That in making initial appointments, the Mayor shall appoint one employee and one employer representative to serve two year terms. Any representative appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed only for the remainder of such term. The Mayor of the District of Columbia shall be the Chairman of the Board. The District of Columbia Unemployment Compensation Board shall meet at least once in each three month period. A majority of the representatives shall constitute a quorum: PROVIDED, That one employee representative and one employer representative are present."

(ff) Section 19(c) of such Act (49 Stat. 955; D.C. Code, sec. 46-319(d)) is amended by striking out the first sentence and all that precedes the proviso in the second sentence, and insert in lieu thereof the following sentence to read as follows:

"Any person who has received any sum as benefits under this Act to which he is not entitled shall, in the discretion of the Director, be liable to repay such sum to the Board, to be redeposited in the fund; be liable to have such sum deducted from any future benefits payable to him under this Act; or may have such sum waived in the discretion of the Director:".

(gg) Section 28 of such Act. (D.C. Law 1-34, sec. 3; D.C. Code, sec. 46-328) is repealed.

Sec. 3. To the extent inconsistent with the provisions of this Act, the Reorganization Plan No. 1 of 1978 which establishes a District of Columbia Department of Labor is hereby amended to conform to the provisions of this Act.

Sec. 4. The amendments made by this act shall take effect on January 1, 1978, except as indicated hereinafter. The amendments made by section 2(a)(5) shall apply with respect to remuneration paid after December 31 of the year in which the Secretary of Labor approves for the first time an unemployment compensation law submitted to him by the Virgin Islands for approval; the amendments made by section 2(n)(3), with respect to extended benefits based on service in the employ of the District, shall take effect on January 1, 1979; the amendments made by subsections 2(h), (j), (k), (l), and (m) shall take effect January 1, 1979; and the amendments made by section 2(f), (r), (s), (t), (y), (z), (aa), (bb), (dd), (ee), and (ff) shall take effect upon the effective date of this legislation. The amendment made to section 7(c)(3) shall apply to claims filed or pending appeal upon the effective date of this legislation.

Sec. 5. This act shall take effect as provided for acts of the Council of the District of Columbia in section 602(c)(1) of the Council of the District of Columbia Self-Government and Governmental Reorganization Act.

Source

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 95-198, "the Act", the Council of the District of Columbia adopted Bill No. 2-209, on first, amended first, second amended first and second reading, April 18, 1978, June 27, 1978, July 11, 1978 and July 25, 1978 respectively. Following the signature of the Mayor on August 10, 1978, this legislation was assigned Act No. 2-267, published in the September 22, 1978, edition of the D.C. Register, (Vol. 25 page 2431) and transmitted to Congress on January 18, 1979 for a 10-day review, in accordance with Section 601

Law 2-129

(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 the following legislation as D.C. Law 2-129, effective March 3, 1979.

Law 2-129

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955; D.C. Code, sec. 1-101, sentence 1 and all other sentences, and insert in the following:

as benefits under section 1-101, in the discretion of the Board, to have such sum paid to him under this section of the

1-101, sec. 3; D.C.

the provisions of section 1-101 which establishes the same, hereby amended to

all take effect on the date of the amendments to section 1-101 relating to remuneration of the Secretary of the District of Columbia; the amendments to section 1-101 relating to extended benefits shall take effect on the date of the amendments to section 1-101 relating to extended benefits. The amendments to section 1-101 relating to extended benefits shall take effect on the date of the amendments to section 1-101 relating to extended benefits.

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