



Councilmember Elissa Silverman

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

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on a temporary basis, the District of Columbia Unemployment Compensation Act, to require the Department of Employment Services to promptly disclose unemployment insurance claim data to the Council upon request in connection with the Council’s official duties when certain conditions have been met.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the “Constituent Unemployment Compensation Information Temporary Amendment Act of 2021”.

Sec. 2. Section 113(f) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat 953; D.C. Official Code § 51-113(f)), is amended to read as follows:

“(f)(1) Except as hereinafter otherwise provided, information obtained from any employing unit or individual pursuant to the administration of this Act and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner, whether by subpoena or otherwise, revealing the individual’s or employing unit’s identity. Any claimant (or his or her legal representative) shall be supplied with information from the records of the division, to the extent necessary for the proper presentation of his claim in any proceeding under this Act with respect thereto.

28 “(2)(A) The Director shall promptly disclose information otherwise protected
29 pursuant to paragraph (1) of this subsection upon the request of a Councilmember for use in the
30 performance of the Councilmember’s official duties, including conducting all aspects of program
31 and agency oversight and constituent services, when:

32 “(i) If the information is confidential unemployment
33 compensation information, the Councilmember has:

34 “(I) If the Councilmember is performing constituent
35 services, provided the Director with reasonable evidence that the individual or employing unit
36 has authorized such disclosure to the Councilmember and, if the disclosure is to be ongoing and
37 a release pursuant to 20 CFR § 603.5(d)(2) is required, executed such a release;

38 “(II) Executed an agreement with the Director as
39 required by 20 CFR §§ 603.09 and 603.10; or

40 “(III) Complied with both sub-subparagraph (I) and
41 (II) of this subparagraph if so required by applicable federal law or regulation; or

42 “(ii) The request for information, including whether the
43 agency has received an initial application, processed an initial application or weekly certification
44 form, or made a determination as to the individual’s own eligibility, would not require the
45 Director to disclose confidential unemployment compensation information about the individual
46 or employing unit that the individual or employing unit has not already provided to the
47 Councilmember.

48 (B) For the purposes of subparagraph (A)(i) of this paragraph,
49 reasonable evidence that an individual or employing unit has authorized disclosure of their
50 confidential unemployment compensation information to a Councilmember shall include:

51 “(i) A written request from the individual or employing unit
52 for assistance from the Councilmember; or

53 “(ii) A contemporaneous written record of a request for
54 assistance from an individual or employing unit that the Councilmember who received the
55 request made, which states the medium (telephone, virtual meeting platform, or in-person
56 meeting) the individual or employing unit used to communicate the request and the date and
57 approximate time of the request.

58 “(C) For the purposes of this paragraph, the term:

59 “(i) “Confidential unemployment compensation
60 information” shall have the same meaning as “confidential UC information” provided in 20 §
61 CFR 603.2(b).

62 “(i) “Councilmember” includes, to the extent permitted by
63 applicable federal law or regulation, a Council employee or a non-governmental agent or
64 contractor whom the Councilmember has designated to act on behalf of the Councilmember for
65 the purposes of performing the Councilmember’s official duties related to this Act;

66 “(3) Subject to such restrictions as the Director may by regulation prescribe, the
67 information protected pursuant to paragraph (1) of this subsection may be made available to any
68 agency of this or any other state, or any federal agency, charged with the administration of an
69 unemployment compensation law or the maintenance of a system of public employment offices,
70 or the agency of any state or the federal agency charged with the administration of programs for
71 food stamps, parent locator services and other support or paternity establishment services, public
72 housing, Medicaid, Temporary Assistance for Needy Families, Program on Work, Employment,
73 and Responsibility, and supplemental security income, or the Department of Public Welfare of

74 the government of any state, or the National Directory of New Hires established pursuant to
75 section 316(f) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996,
76 approved August 22, 1996 (110 Stat. 2209, 42 U.S.C. § 653a), or any District of Columbia State
77 Directory of New Hires established pursuant to section 313(b) of the Personal Responsibility and
78 Work Opportunity Reconciliation Act of 1996, or the United States Accounting Office or the
79 Internal Revenue Service of the United States Department of the Treasury, or the District of
80 Columbia Office of Tax and Revenue, and information obtained in connection with the
81 administration of the employment service may be made available to persons or agencies for
82 purposes appropriate to the operation of a public employment service. Upon request therefor, the
83 Director shall furnish to any agency of the United States charged with the administration of
84 public works or assistance through public employment, and may furnish to any state agency
85 similarly charged, the name, address, ordinary occupation, and employment status of each
86 recipient of benefits and such recipient's rights to further benefits under this Act. The Director
87 may request the Comptroller of the Currency of the United States to cause an examination of the
88 correctness of any return or report of any national banking association rendered pursuant to the
89 provisions of this Act, and may in connection with such request transmit any such report or
90 return to the Comptroller of the Currency of the United States as provided in § 1606(c) of the
91 federal Internal Revenue Code.

92 Sec. 3. Fiscal impact statement.

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

96 Sec. 4. Effective date.

97 (a) This act shall take effect following approval by the Mayor (or in the event of veto by
98 the Mayor, action by the Council to override the veto), a 60-day period of congressional review
99 as provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
100 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
101 Columbia Register.

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