

**COUNCIL OF THE DISTRICT OF COLUMBIA
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT
COMMITTEE REPORT**

1350 Pennsylvania Avenue, NW, Washington, DC 20004

TO: All Councilmembers
FROM: Councilmember Silverman 
Chairperson, Committee on Labor and Workforce Development
DATE: November 19, 2020
SUBJECT: Council Period 23 Report of the Activities of the Committee on Labor and Workforce Development

Pursuant to Council Rule 227, the Committee on Labor and Workforce Development (“Committee”) compiled the following report describing the oversight and legislative actions of the Committee during Council Period 23. Section I provides an Executive Summary. In Section II, the report lays out the Committee’s jurisdiction and areas that fall under the Committee’s purview. Section III describes the focus areas of the Committee’s CP23 work and highlights oversight activities and policy recommendations. Section IV recounts the legislation considered during Council Period 23. Section V lists the Committee’s hearings and roundtables throughout the Council period. Finally, Section VI states the action taken by the Committee in relation to this report.

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I. EXECUTIVE SUMMARY

During Council Period 23, the Committee focused its work as always on jobs, workers’ rights, and District government personnel policy. The second half of the period was largely dominated by the COVID-19 (novel coronavirus) pandemic that devastated the economy, producing massive job loss and introducing significant workplace health and safety issues. The impacts of these trends wove throughout the Committee work in the latter part of the period.

The Committee produced several important pieces of legislation, exercised oversight authority over the variety of programs and agencies under its purview, and reviewed the Mayor’s proposed FY2020 and FY2021 budget proposals to make comprehensive budget recommendations to the Council and policy recommendations to agencies. The Committee focused its work on several key areas:

- **Jobs, careers and training for District residents**, including work to provide residents with in-demand workforce skills, respond to employer hiring needs, and improve program transparency and performance
- **Enforcement and implementation of the District’s employment laws**, including strengthening the unemployment safety net, prioritizing workers’ rights, and overseeing implementation of the new University Paid Leave Act
- **District government operations and employment**, including ensuring fair labor-management negotiations, respecting collective bargaining agreements, providing job opportunity to District workers in government employment, and examination of personnel policies related to medical marijuana.

The top laws enacted or bills advanced during Council Period 23 by the Committee include:

- Sections of *B23-733 COVID-19 Response Supplemental Emergency Amendment Act of 2020* (Act A23-0286) and of *B23-757 the Coronavirus Support Emergency Amendment Act of 2020* including expanding unemployment insurance eligibility, paid sick time, and Family and Medical Leave; and modernizing the District’s shared work (short-time compensation) program.
- *B23-870 Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020* and *B23-781* (temporary), which require employers to adhere to the Mayor’s Order that requires the wearing of face masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.
- *B23-0531 Collective Bargaining Fair Compare Amendment Act of 2019* (Law 23-91), which will ensure District government public servants can bargain for fair and competitive compensation in collective bargaining negotiations.
- *B23-309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019*, which would prohibit the District of Columbia government from discriminating, in employment, against individuals participating in the medical marijuana program.
- *B23-494, Ban on Non-Compete Agreements Amendment Act of 2019*, which would ban the use of non-compete provisions in employment agreements and workplace policies.

Other key accomplishments during Council Period 23 include:

- Holding oversight hearings and producing public education materials on unemployment insurance and related benefits, which were critical lifelines during the pandemic
- Passing legislation in the budget to set deadlines for the 10-year project to modernize the unemployment insurance IT system
- Overseeing implementation of the launch of the new Universal Paid Leave Program and establishing and funding a new Workplace Leave Navigators grant program

- Establishing and funding new, business-led, strategic planning for key industries, such as health care and infrastructure
- Funding job training in key fields like information technology, construction, and healthcare
- Establishing and funding the School Year Internship Pilot Program, which creates a paid internship pilot program for 250 District high school students in Spring 2021 to gain skills and experience needed for future success.
- Expanding youth programming to incorporate exposure to apprenticeships, additional time for summer jobs for opportunity youth, and directing funds to more year-round in-school youth programs.
- Utilizing the budget process to obtain performance data on workforce development programs and conduct deep dives in oversight hearings.

II. JURISDICTION AND COMMITTEE MEMBERSHIP

The Committee is responsible for matters of District government employment and labor relations; workforce development and job training; unemployment insurance, private sector workers' compensation, and paid family and medical leave programs; and enforcement of employment laws including the minimum wage.

The following agencies and other entities were under the Committee's jurisdiction during Council Period 23:

- Apprenticeship Council
- Department of Employment Services
- Department of Human Resources
- Disability Compensation Fund (also called Employee Compensation Fund)
- Labor/Management Partnership Council
- Occupational Safety and Health Board (inactive)
- Office of Employee Appeals
- Office of Labor Relations and Collective Bargaining
- Public Employee Relations Board
- Unemployment Compensation Fund
- Workforce Investment Council

Councilmember Elissa Silverman chairs the Committee. Councilmembers Charles Allen (Ward 6), David Grosso (At-Large), Kenyan R. McDuffie (Ward 5), and Robert C. White, Jr. (At-Large) are members of the Committee.

III ACTIVITIES AND PRIORITIES

A. SUMMARY OF ACTIVITIES AND PRIORITIES

The Committee takes seriously its three main roles: oversight, legislation, and budgeting for agencies in its jurisdiction. The Committee's oversight of agencies' performance and budgets aims to ensure that taxpayer funds are used appropriately and have a good return on investment, and that agencies' programs and activities serve District residents well and are fully compliant with the law. Highlights of the Committee's work follow.

Jobs, Careers, and Training for District Residents

The District suffers from exceptionally high economic inequality. Workforce development policies can help reduce disparities by providing District workers with job preparation, occupational training, and other services to put them on a path to living-wage careers. However, the District has several significant challenges: tens of thousands of District residents lack high-school level educational skills; employers consistently report to the Committee that District workers do not have the "soft skills," such as communication, dress, and good work habits, necessary to succeed in the workplace; and dozens of government agencies offer workforce development services but do not operate strategically or systematically.

The Committee's work to increase job and career opportunities for District residents focused on the following areas in Council Period 23:

Providing Residents with In-Demand Workforce Skills. The Committee's FY 2020 and 2021 budgets worked to ensure that residents develop skills for in-demand occupations. Starting with youth, the Committee amended the Summer Youth Employment Program (SYEP) law to allow opportunity youth not working or in school to participate in the program for up to 12 weeks, double the standard program time. The Committee also added career exposure to apprenticeship programs during SYEP. The Committee increased work opportunity for in-school youth by requiring that two-thirds of local funds be used to serve that population, as two-thirds of federal funds must be used to serve out-of-school youth. The Committee funded a new work-based learning coordinator position in DC Public Schools for Career and Technical Education programs in District high schools. The *Pathways to District Government Careers Amendment Act* established a District government apprenticeship program, which provides first consideration for entry-level District government jobs to graduates of District high schools, and established a partnership between the DC Department of Human Resources and District secondary schools. Lastly, the Committee established and funded the School Year Internship Pilot Program, which creates a paid internship pilot program for 250 District high school students in Spring 2021 to gain skills and experience needed for future success.

In addition to its efforts on youth programs, the Committee shored up adult programming. The Career Pathways Innovation Fund (CPIF), which helps low-literacy DC residents get jobs through the best practice of integrated education and training. CPIF has been a highly successful approach to adult education and workforce development in the District. The Committee restored funding eliminated by the Mayor in the proposed FY2020 budget, secured additional funding at

the Council level for the program in FY2020, and identified enhanced funding in the FY 2021 budget. Additionally, after hearing from employers of the need for more District residents to be licensed as commercial drivers and to be trained in Information Technology, the Committee invested in training at the DC Infrastructure Academy and added an FTE to manage the training.

Responding to Employer Hiring Needs. The Committee knows successful workforce development programs and systems are responsive to the hiring needs of businesses. To ensure public dollars are spent on training for in-demand, high growth jobs, the Committee invested in developing workers in the healthcare and infrastructure industries. Two laws passed in the FY2021 Budget Support Act required industry leaders to advise the District on its workforce programming. First, the Healthcare Sector Partnership was established through the Workforce Investment Council to increase the number of District residents employed in the healthcare industry. The partnership will heavily invest in employer engagement by creating a sector intermediary to connect business and training providers to help trainees move directly into employment with partner employers.

Second, in FY2020, the Committee set new standards for high-wage training at the DC Infrastructure Academy. These standards require performance-based payments (based in part on participants obtaining credentials or employment), incentivizing employment retention by providers by allowing bonus payments. In FY2021, the Committee created industry advisory committees at the DC Infrastructure Academy (DCIA) to guide training and funded a new Industry Committee Coordinator to meet employers' needs and help more District residents get living-wage jobs and stable careers in high-demand fields. The Committee also required the Executive to review options for the DCIA location to remain East of the Anacostia River and preferably within Ward 8 before expending funds for the design at 2500 Benning Road NE location.

Additionally, current District law requires that certain contractors with District government agreements use DOES as the "first source" for finding candidates for jobs created by the contracts and hire minimum percentages of District residents for those jobs. The Committee authored two bills to improve the implementation of the First Source law. *B23-0570, the First Source Resident Employment Act of 2019*, would make improvements to the First Source law to increase the number of qualified District residents working on First Source projects, particularly for higher-skill jobs; improve the Department of Employment Services' assistance to First Source contractors; and remove certain reporting requirements for contractors. *B23-0436, the First Source Community Accountability Amendment Act of 2019*, would update and reform the First Source law to provide the public with more information on projects and outcomes. The Committee held a hearing on these bills on November 19, 2020.

Transparency and Program Performance. To determine if the District is spending its estimated \$150 million in annual workforce development funds wisely, the Committee conducted oversight and evaluated quantitative and qualitative data for program efficacy. In Council Period 22, the Committee authored and passed the *Workforce Development System Transparency Act*. It requires the Workforce Investment Council to publish an annual spending and outcomes report (Expenditure Guide) for all workforce development programs, including adult education, soft skills programs, and occupational training in agencies across the government. Oversight in CP23 of the 2019 and 2020 Expenditure Guides revealed the need for continued data collection as both

guides fell short of the required information mandated by law, particularly on program outcomes. The Committee conducted oversight in performance oversight hearings and in meetings to push the WIC to improve the reports to contain the required information. Such information is necessary for the evaluation of public investments in workforce programming.

Additionally, the Committee utilized the budget process to obtain program outcomes data from DOES. Each year, program funding is assumed to continue, regardless of demonstrating program effectiveness. In the FY2020 budget, the Committee recommended that \$5.8 million in recurring workforce development programmatic funding be replaced with one-time money across several locally funded programs. The Committee then made specific data requests, to which DOES responded. The Committee then held public oversight roundtables on Project Empowerment, DC Career Connections, DC Infrastructure Academy, and the Local Adult Training programs to hear from the public, employers, and government about program success and satisfaction. The data and oversight hearings helped the Committee analyze the programs and inform the FY2021 budget process and may also be used to inform Council Period 24 legislation.

Enforcing and Implementing Employment and Labor Laws

Strengthening the Unemployment Safety Net. The longest partial federal government shutdown in American history lasted 35 days, between December 22, 2018, and January 25, 2019. Its impact on the regional economy and on the thousands of affected workers and their families was immense. Many workers applied to the Department of Employment Services (DOES) for unemployment compensation while the shutdown dragged on. But, according to the United States Department of Labor, the “excepted” employees who remained on the job on a full-time basis, despite not being paid, could not qualify for unemployment insurance benefits. At the request of the Executive, the Council first passed the *Supporting Essential Workers Unemployment Insurance Emergency Amendment Act of 2019*, then ultimately passed a similar permanent law, B23-0133, the *Supporting Essential Workers Unemployment Insurance Amendment Act of 2020* to ensure that those working during a shutdown will be able to take advantage of the same safety net as their counterparts.

In response to the Coronavirus pandemic, which began in March 2020, the Council enacted a series of amendments to the District’s unemployment laws expanding eligibility for benefits. For example, while the District had short-term compensation laws on the books, it was necessary to clarify and expand on the existing provisions in order to make sure the program would work in the context of the pandemic. Other changes to the law ensured that liberalized federal unemployment eligibility requirements in the Families First Coronavirus Response Act (FFCRA) and Coronavirus Aid, Relief, and Economic Security (CARES) Act were not hindered in local law.

The Committee also held multiple oversight hearings in Fall 2020 to hear from the public about their experience with the unemployment insurance (UI) system. More than 150,000 District workers filed for unemployment benefits between mid-March and mid-October 2020 in response to the coronavirus pandemic and related economic downturn. The volume contributed to delays in benefits and revealed numerous deficiencies in the processing of claims. Hundreds of workers reached out to the Committee and Councilmembers to ask for assistance and report problems with their claims.

The committee also conducted a great deal of public education on new and special coronavirus-related unemployment benefits established by the District and federal government, as well as how the underlying system worked. The Committee produced multiple education documents, utilized social media, hosted events on Facebook Live, and responded to hundreds of individual constituent requests for assistance in applying for benefits.

One of the Committee's most pressing concerns over the last several years has been the unemployment insurance information technology modernization project ("UI Modernization"), a capital project plagued with delays since its inception in FY2011. Unfortunately, the pandemic has only highlighted the need for a truly modernized system. The FY2021 budget included legislation that requires DOES to select a contractor to finally update the claimant-facing portal by September 30, 2022.

Prioritizing Workers' Rights. The District has been touted as having some of the strongest worker-protection laws in the country; however, groups that regularly conduct outreach to these workers report to the Committee that the majority of workers they encounter are unaware of their rights or where to go for help. Moreover, those workers who are aware of minimum wage, sick leave, and other legal protections consistently report that filing a complaint at DOES is a complicated and slow process. The Committee has focused its oversight on understanding DOES procedures around wage-hour cases and encouraging creative solutions to enable efficient and fair resolution of these cases.

Since 2018, the Committee has required DOES to issue grants for local groups to conduct public outreach and education about workers' rights. Funds were provided in the FY2020 and FY2021 budgets. The Committee also wrote legislation specifying the qualifications, content, and results expected from grantees.

The Committee also continues to respond to the needs of tipped workers and the businesses that employ them. The Committee addressed concerns raised by employers and third-party payroll providers that an existing payroll reporting law was overly cumbersome to comply with. Further changes by the Committee clarified the timeframe for implementation of tipped worker protections and specified the contents of a notice poster.

In FY2021, the Office of the Attorney General will begin employing a second full-time attorney position funded by the Committee. The Committee has been encouraged by the OAG's success at protecting District workers and believes this additional staff role will further shared goals for worker protection.

Finally, the Committee authored and passed emergency legislation to respond to the workplace health and safety risks raised by the coronavirus pandemic. The *Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020* requires employers to adhere to the Mayor's Order that requires the wearing of masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.

Implementation of Universal Paid Leave Act. The Universal Paid Leave Act was fully implemented during Council Period 23. In July 2020, District workers became eligible for and many began receiving benefits to help them while away from work due to parental leave, caregiving for a seriously ill relative, or to recover from one's own serious illness. In standing up the Office of Paid Family Leave (OPFL) within the Department of Employment Services (DOES), the agency created an information technology system to collect employer contributions and pay benefits to eligible workers, draft and implement regulations, and conduct outreach to employers and workers. The Committee has held quarterly public roundtables to ensure that DOES responds to concerns raised by the Council, the public, and advocates for the populations most likely to use paid family leave.

District Government Operations and Employment

A major element of the Committee's jurisdiction is ensuring the public sector works both for its employees and its customers and clients. To that end, the Committee has conducted oversight and advanced legislation related to District-government employment and how agencies providing services to District employees operate.

Ensuring Fair Labor Negotiations: The Committee drafted and passed *the Collective Bargaining Fair Compare Amendment Act of 2020* (Law 23-91), which ensures that public servants may negotiate compensation that is competitive with similar jurisdictions. Prior to this law, compensation was limited to the Washington, D.C. geographic area. Because the District is more similar in cost of living to other urban cities than most nearby localities, the compensation rates reached under a local-only analysis unfairly constricted the compensation of the bargaining units.

Respecting collectively bargained labor agreements: In the FY2021 proposed Budget Support Act, the Mayor invalidated cost-of-living adjustments (COLAs) previously negotiated for a large group of public sector employees. This was a cost savings measure due to the negative revenue impacts of the COVID-19 public health emergency. The Committee worked with labor unions to amend this subtitle to ensure that should revenues become available, they will first be used to provide the already-negotiated COLAs.

Providing job opportunity to District workers in District government employment. In CP22, the Committee passed the Pathways to District Government Careers Amendment Act of 2018 (L22-211). In CP 23, the Committee conducted oversight to ensure the law is implemented on time. The law requires agencies to implement hiring processes that prioritize the hiring of District residents, current public and charter school students and graduates of DC public and charter schools, and those who have completed certain programs overseen by the Department of Employment Services. It also required the establishment of a public-sector apprenticeship program.

Oversight of collective bargaining agreements (CBA) negotiations. When CBAs are negotiated between District government and unions representing its employees, District law requires that the proposed CBAs be reviewed by the Council prior to final approval. The

Committee has held roundtables on CBAs negotiated during this Council period to learn about the union, its members, the members' work, and the negotiations process that led to agreement on the CBA. Approved agreements during CP23 included motor vehicle operators and bus attendants employed by OSSE, attorneys employed by the Public Service Commission, nurses and doctors employed at various agencies, medical officers at the Department of Health, and faculty at the University of the District of Columbia.

Examination of personnel policies related to use of marijuana. During CP23, many employees and labor unions approached the Committee with questions and concerns about the District's policies on government employees who use marijuana, especially medical marijuana. The Committee held a hearing and later passed legislation introduced by Committee member Grosso that would establish the District's first employment protections for medical marijuana users, the *Medical Marijuana Program Patient Employment Protection Amendment Act of 2019* (B23-309). The Committee also conducted oversight on the existing personnel policies to understand their operation, suggest improvements, and inform the legislation.

Improving public access to information. The Committee has supported and further encouraged access to public information by the Office of Employee Appeals and the Public Employee Relations Board. The Committee provided funding for website updates in CP22 and encouraged use of virtual hearing platforms in CP23. The Committee also conducted oversight of proposed regulations issued by PERB. Finally, the Committee encouraged the Office of Labor Relations and Collective Bargaining, which retains copies of all CBAs entered into between the District and labor units, to post related documents such as CBAs or decisions and announcements in one place on the agency website. The Committee also encouraged agencies to create guides for users to simplify complex information, especially those representing themselves before the Office of Employee Appeals or the Public Employee Relations Board, and to otherwise modernize operations in a way that fosters enhanced access by the public.

B. ANNUAL POLICY RECOMMENDATIONS

The Committee's annual budget reports included detailed discussion of policy matters and made policy recommendations. The summaries of the policy recommendations as they appeared in the annual budget reports follow.

DC Department of Human Resources

2019 Policy Recommendations

1. Increase efforts to hire District residents into District government jobs:
 - a. Implement the Pathways to District Government Careers Act.
 - b. Increase the target for hiring residents.
2. Enforce residency requirements and improve auditing, verification, and reporting to Council
3. Ensure the LEAP program assists participants to find permanent employment
4. Clarify suitability policy related to marijuana use and testing, and communicate updated policy to all employees

- a. Complete review of marijuana policy, and develop a policy that is fair, clear, and consistent with District law
 - b. Establish one location online with all relevant suitability information and ensure agency orientations provide all relevant policy information
 - c. Conduct education campaign on new policy
5. Reduce hiring time/ time to fill
 6. Implement deferred compensation auto-enrollment law and improve 457(b) savings plan participation
 7. Continue training and policy development related to sexual harassment
 8. Continue to educate agencies on personnel rules, including term hiring
 9. Complete the effort to uncover tax withholding errors and make necessary fixes

2020 Policy Recommendations

1. Provide timely and clear guidance to employees and agencies, particularly in emergencies
 - a. Provide guidance as quickly as possible.
 - b. Provide uniform guidance to employees and agencies whenever possible
2. Work to increase the portion of District government employees who live in the District
 - a. Increase target for percent of new hires who are District residents.
 - b. Analyze agency-level hiring rates
 - c. Continue implementing the Pathways to District Government Careers Act
 - d. Fully transition from paper-based residency verification to electronically-based verification, as required by the District Employee Residency Amendment Act
 - e. Develop recommendations for benefits or policies to incentivize District residency
3. Centrally track grievances and complaints across government, to identify patterns or problems
4. Develop a guide for employees to file complaints with the right entities

Department of Employment Services

2019 Policy Recommendations

Paid Leave

1. Release the Request for Proposal (RFP) for the upcoming benefits system as soon as possible to ensure a timely delivery of the system.
 - a. The RFP for the tax collection IT system was released too close to the July 1 deadline.
 - b. Development of the benefits IT system will likely need to be longer given it is more complicated than tax collection.
 - c. DOES should use all resources available to ensure that the final RFP is both submitted timely and technologically sufficient for the system's needs.
2. Release draft regulations as soon as possible for the upcoming benefits system to ensure sufficient input and timely delivery of system.

3. Improve communications strategy around paid family leave implementation to ensure that businesses are prepared for upcoming July 1 tax collection.
 - a. Develop a strategic plan for communicating with employers, and work with employers, payroll providers, and business associations to ensure that materials include critical guidance about the law and its implementation.
 - b. Consider looking to other District agencies for ideas about mass communications.
4. Provide a detailed analysis or spending plan for the \$61 million allocated for the paid family leave IT system.
5. Utilize user testing to ensure that the tax and benefits systems meet the needs of intended users.
6. Hire all of the staff needed to run the paid leave program.
7. Ensure that DOES has the budget authority to pay for claims that will be filed in Fiscal Years 2020 and 2021

Workforce Development

1. At the DC Infrastructure Academy:
 - a. Train more individuals for high-wage careers.
 - b. Ensure that trainees obtain employment and are placed in jobs in the fields in which they were trained. Work with partner entities to hire more graduates.
 - c. Spend private money first.
 - d. Provide the Council and the public with a strategy regarding long-term plans for the DCIA building.
2. Improve the Year-Round Youth program by providing more year-round occupational skills training and job opportunities for in-school youth.
3. Increase First Source transparency and compliance
 - b. Continue to improve tracking of projects
 - c. Review calculation of penalties.
 - d. Finish required regulations and report to Council.
4. Utilize the integrated education and training model.
5. Increase opportunities in the Mayor Marion S. Barry Summer Youth Employment Program (MBSYEP) for youth most in need and utilize funds more efficiently.
 - a. Extend the program by six weeks for opportunity youth.
 - b. Place more participants with host employers from registered apprenticeship programs.
 - c. Raise wages for 14-and-15-year-olds.
 - d. Evaluate the effectiveness of soft skills training provided and the causes of attrition
 - e. Streamline certification and eligibility processes.
 - f. Ensure that prices charged by District agencies to host and/or place participants are fair.
6. Implement the Pathways to District Government Careers Act.
7. Ensure the LEAP program assists participants to find permanent employment.
8. Provide complete and accurate data in Project Empowerment, and enroll some prospective participants in federally funded programs

9. Be transparent about the formula and process to distribute WIOA funds to the Workforce Investment Council (WIC).
10. Work with the One-Stop Operator and the WIC to enable them to conduct their work at the AJCs, as required by WIOA
11. Improve customer service.
12. Continue to expand registered apprenticeship in non-construction fields and improve tracking of data
13. Implement recommendations from the independent evaluation of the DC Career Connections program.
14. Improve transparency of grantmaking and contracting.
 - a. Solicit grants and contracts in a transparent manner.
 - b. Share the results of grantee monitoring with the Council.
 - c. DOES should develop and widely disseminate a grant and contract schedule
 - d. Work with the Office of Contracting and Procurement to ensure that the District is paying fair market prices for training

Labor Standards

1. Improve the wage-hour complaint process.
 - a. Remove notarization requirements.
 - b. Gather complaint specifics in intake interviews rather than on the written complaint form.
 - c. Proactively communicate with complainants.
 - d. Revise and streamline the wage-hour complaint form.
2. Conduct workplace-wide investigations and penalize employers that violate foundational provisions of our worker protection laws.
3. Outreach regarding wage and hour laws must better address the rights of District workers.
4. Newly required tipped worker protections should be implemented efficiently.
5. DOES should work with the Office of Administrative Hearings (OAH) to ensure that administrative hearing decisions are posted online for most cases.

Unemployment Insurance

1. Prioritize staff training in order to avoid errors that harm workers.
2. Process OAH claim reversals within three business days and transmit documents electronically.

2020 Policy recommendations

Unemployment Insurance

1. Modernize the unemployment insurance call center and provide continual training
2. Implement the full modernization of the IT system
3. Crack down on misclassification of low-wage workers
4. Understand the scope of misclassification in the District

5. Make our unemployment system accessible to non-English speakers
6. Implement fair overpayment collection practices
7. Improve communications related to the Office of Administrative Hearings
8. Prioritize staff training

Workforce Development

1. Improve program delivery in Project Empowerment and Career Connections
 - a. Develop a programmatic strategic plan incorporating career pathways and alignment with WIOA State Plan and the DOES Vision Forward Plan
 - b. Select and utilize a validated career assessment tool to best match participants with appropriate host sites
 - c. Partner with the WIC to develop a unified business services plan with sector-specific business liaisons
2. Implement recommendations from the Career Pathways and Adult Literacy Task Force Strategic Plan
 - e. Utilize the integrated education and training model
 - f. Utilize the career maps developed by the WIC and individualize career maps to help advise and guide residents to living-wage careers
 - g. Maximize referrals via the Data Vault by ensuring the necessary fields in the DOES Virtual One-Stop System are mandatory
3. Improve monitoring and enforcement of First Source law
4. Complete the Youth Programs strategic plan incorporating Career Pathways and aligned with the WIOA State Plan by the end of FY2021
5. Enhance transparency of DOES policies, data and timely submission of reports
 - a. Develop and publish widely an agency policy manual
 - b. Submit required reports on time and complete per legislation

Paid Leave

1. Agency Overreach Harms Vulnerable Communities
2. Continue positive progress in onboarding and training Paid Leave staff
3. Create a flyer to help Universal Paid Leave claimants understand their rights
4. Build on existing relationships to inform the public about the program

Labor Standards

1. Eliminate delays in issuing notices of complaints to employers
2. Demand evidentiary documents from employers
3. Conserve agency time and finances by reducing non-wage-hour complaint filings
4. Require employers to provide Notice of Hire form to their employees, to prove they have provided it, and to pay penalties when they do not
5. Address retaliation complaints the week they are filed
6. Do not constrain employees from discussing settlement terms and expand the scope of settlement agreements
7. Improve wage-hour complaint form

Office of Employee Appeals

2019 Policy Recommendations

1. Proactively follow up on orders issued against an agency to determine agency compliance.
2. Increase timeliness of decisions issued.

2020 Policy Recommendations

1. Publish guidance for pro se litigants on agency website identifying and explaining any special rights or issues particular to those who represent themselves. Similarly, publish a document on agency website explaining what types of cases the agency has jurisdiction to hear and mediate on the agency website.
2. Board members should conduct business whenever a quorum is attainable and conduct business through virtual means if unable to meet in person.
3. Publish agency rules in *DC Register* by September 30, 2020.
4. Complete review of agency mediation program and report findings and recommendations to the Council.

Office of Labor Relations and Collective Bargaining

2019 Policy Recommendations

1. Renegotiate collective bargaining agreements before they expire.

2020 Policy Recommendations

1. Analyze and incorporate into standard operating procedures the new agency rules adopted by the Public Employee Relations Board.
2. Meet the agency's goal to avoid paying opposing counsel's legal fees.
3. Expand training at DCPS and MPD for labor liaisons and agency management.
4. Make available every active Collective Bargaining Agreement between the District and bargaining units on the OLRCB website.

Public Employee Relations Board

2019 Policy Recommendations

1. Implement a more targeted system for advertising training programs to agencies.
2. Ensure timeliness of decisions issued.

2020 Policy Recommendations

1. Draft and publish on the agency website an accessible guide to the rule changes adopted in FY2020.
2. Create and implement a plan to conduct hearings in a public health emergency.
3. Create and implement a plan to conduct all planned trainings virtually.

Workforce Investment Council

2019 Policy Recommendations

1. Take the lead on creating and operationalizing career pathways, including for specific projects such as the St. Elizabeths hospital
2. Release Transparency Act on time; ensure it is complete
3. Engage with Deputy Mayor for Education to delineate roles and responsibilities of WIC and DOES within the legal parameters of WIOA, and to foster coordination, cooperation, and information-sharing.
4. Coordinate agencies to create an aligned workforce system, and participate in grantmaking and provider selection as required by local and federal law
5. Continue to do grantmaking and improve the grantmaking process
6. Include meaningful community input in the next iteration of the District's WIOA state plan
7. Provide accountability and oversight to the workforce system
 - a. Staff should provide WIC board with detailed performance, funding, and federal oversight information
 - b. Board should review performance information to improve or cut providers and direct programming
8. Improve American Job Centers
 - a. Conduct active oversight of the One-Stop Operator
 - b. Work with DOES to ensure OSO can meet the terms of its contract
 - c. Develop AJC evaluation criteria as required under WIOA
9. Continue expansion of the ETPL, target priority occupational certifications and apprenticeships, coordinate with DOES so that local programs also utilize ETPs
10. Continue to actively involve board in grantmaking, contracting, and oversight of WIC funded programs
11. Support WIC subcommittees and create goals and workplans
12. Review Career Pathways Community of Practice to determine whether to continue it before expending more funds, or whether to restructure it

2020 Policy Recommendations

1. Act as the convener of partners in the workforce system to coordinate among agencies and providers: Organize workforce plans around upcoming economic development projects
2. Work with DOES to improve performance of the eligible training providers
3. Publish the Expenditure Guide, and ensure it includes all required information
4. Improve operations at the American Jobs Centers
 - a. Hire a One-Stop Operator with a track record of success; set clear expectations
 - b. Develop AJC evaluation criteria as required under WIOA
5. Provide capacity building to a variety of job training and adult education programs to utilize the teaching methodology Integrated Education and Training
6. Complete industry-level career maps and create a tool to generate individualized career maps
7. Enhance the provider directory to be a searchable and interactive database

IV. LEGISLATION CONSIDERED

A. ENACTED LEGISLATION AND MEASURES APPROVED IN COMMITTEE

This section describes legislation passed by the Committee and enacted by the Council. It includes confirmations and collective bargaining agreements. It specifies any resolutions which were “deemed approved,” or approved by default after a specific time period. It excludes reprogramming requests, proposed contracts, and emergency and temporary legislation when accompanied by full legislation.

1. LAWS ENACTED

B23-0133 Supporting Essential Workers Unemployment Insurance Amendment Act of 2019 (Law 23-85). The law permits furlough-excepted federal employees to qualify to receive unemployment-like weekly benefits payments in the event of a federal government shutdown. Funds would be repayable to the District if the employee was subsequently paid by the federal employer.

B23-0531 Collective Bargaining Fair Compare Amendment Act of 2019 (Law 23-91) amends the comparators that determine what qualifies as “competitive compensation” in collective bargaining negotiations and permits comparisons with similar cities outside of the Washington region.

The following portions of *B23-0718, the COVID-19 Response Emergency Amendment Act of 2020* (Act A23-0247) and *B23-0719, the COVID-19 Response Temporary Amendment Act of 2020*, were authored by the Committee:

- Section 101 regarding Wage Replacement provided that during a public health emergency, employers’ experience ratings would not be impacted by their employees filing for unemployment benefits. It also provides that a person unemployed due to the pandemic or their employer’s failure to take certain protective measures in the workplace can qualify to receive unemployment compensation benefits. It also eliminated the requirements that a claimant perform weekly searched for new jobs and that the claimant wait a week to receive their first benefit payment.
- Section 102 extended family and medical leave protections to employees in the event they needed to be absent from work due to a quarantine or isolation order.

The following portions of *B23-0733, COVID-19 Response Supplemental Emergency Amendment Act of 2020* (Act A23-0286) and *B23-0734, the COVID-19 Response Supplemental Temporary Amendment Act of 2020*, were authored by the Committee:

- Section 101 expanding eligibility for unemployment insurance during the public health emergency and technical corrections to conform with federal law.
- Section 102 amending the District’s Shared Work law to expand eligibility and confirm with federal law.

- Section 103 enacting additional sick leave rights for workers at businesses with between 50-499 employees.
- Section 104 enables the Mayor to use certain paid leave money to be used to fund enforcement of emergency sick leave rights.

The following portions of *B23-0750, Coronavirus Omnibus Emergency Amendment Act of 2020*, were authored by the Committee:

- Section 17 requires that hiring for the District’s Contact Trace Force initiative to contain the spread of the 2019 coronavirus aim to hire at least fifty percent District residents, and for the position of investigator, whether it be a temporary or permanent position, also establish a goal and make the best effort to hire at least twenty-five percent graduates from a workforce development or adult education program funded or administered by the District of Columbia.
- Section 18 amended the District’s unemployment compensation law regarding Shared Work plans (also known as short-time compensation) to conform with federal law.
- Section 19 amended the paid sick leave law to ensure that funds were available for enforcement of emergency sick leave provisions enacted by the Council on an emergency basis.

The following portions of *B23-0757, the Coronavirus Support Emergency Amendment Act of 2020* and *B23-0758, the Coronavirus Support Temporary Amendment Act of 2020*, which consolidated four prior emergency bills responding to the coronavirus pandemic, were introduced by the Committee:

- Sec. 101 contained substantially similar provisions to section 101 of B23-0718.
- Sec. 102, the Unemployment Insurance Clarification subtitle, further conformed District law with federal coronavirus relief legislation.
- Sec. 103, the Shared Work compensation program clarification, further amended the Shared Work provisions in the unemployment law to conform them with model state legislation provided by the US Department of Labor to enable the District to implement the law effectively.
- Sec 104, on Family and Medical Leave, expanded eligibility for workers to use unpaid leave by creating “COVID-19 leave” which can be used for purposes associated with the pandemic for up to sixteen weeks during the public health emergency.
- Sec 105, regarding Paid Public Health Emergency Leave, amended the DC accrued sick and safe leave law to require employers in the District with 50-499 employees to provide additional paid leave from work for purposes due to the COVID public health emergency.

Section 6 of *B23-776, Coronavirus Support Clarification Emergency Amendment Act of 2020*, was introduced by the Committee to make technical amendments to the District’s Family and Medical Leave Act requested by the Office of Human Rights.

B23-0870, the Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020 (Act A23-0384) and *B23-0871, the Protecting Business and Workers from COVID-19*

Temporary Amendment Act of 2020, which require employers to adhere to the Mayor's Order that requires the wearing of masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.

B23-983, Unemployment Benefits Extension Emergency Amendment Act of 2020, and *B23-984, Unemployment Benefits Extension Temporary Amendment Act of 2020*, would qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

2. BILLS APPROVED IN COMMITTEE

B23-0090, Commission on Poverty Establishment Amendment Act of 2020, would establish a Commission on Poverty to address the needs and interests of persons in poverty. The Commission must evaluate existing and subsequent anti-poverty programs to determine their effectiveness and make recommendations for improvement. The Commission shall meet a minimum of 9 times annually with no less than 4 meetings held in areas of the District with high concentrations of poverty. A hearing was held on November 1, 2017 (for its predecessor, B22-178), and the bill was approved by the Committee on Nov. 19, 2020.

B23-309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019, would prohibit the District of Columbia government from taking adverse employment action, against individuals participating in the medical marijuana program. A hearing was held on Sept. 25, 2019, and the bill was approved by the Committee on Oct. 27, 2020.

B23-471, Independent Compliance Office Establishment Act of 2019 would establish the Office of the Chief Compliance Officer ("Office") as an independent authority and outlines the duties of the Office and of the Chief Compliance Officer. It would transfer enforcement of the First Source hiring law from the Department of Employment Services to the new Office. The Committee approved the legislation with amendments on January 29, 2020, after which the bill was sequentially referred to the Committee on Business and Economic Development.

B23-494, Ban on Non-Compete Agreements Amendment Act of 2019, would ban the use of non-compete provisions in employment agreements and workplace policies. It also would protect employees' right to make a complaint or file a court case and it bars employers from retaliating against employees who inquire about their rights. Among other things, it specifies statutory penalties and relief for noncompliance. A hearing was held on December 6, 2019, and the bill was approved by the Committee on Nov. 19, 2020.

B23-500, Unemployment Compensation Employer Classification Amendment Act of 2019 would bring the District law into compliance with state law requirements set in the Federal Unemployment Tax Act by expanding the definition of employment and by permitting government entities and instrumentalities to make payments into the District Unemployment Fund. It also clarifies that any benefits payments made under the Federal Pandemic Unemployment Compensation (FPUC) law are not chargeable to employers. A hearing was held on Sept. 16, 2020, and the bill was approved by the Committee on Oct. 27, 2020.

B23-985, Unemployment Benefits Extension Amendment Act of 2020, would qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program. Emergency and temporary versions of the bill were passed by the Council, as well. A hearing was held on Nov. 16, 2020, and the bill was approved by the Committee on Nov. 19, 2020.

3. BUDGET SUPPORT ACT SUBTITLES

Each year, a Budget Support Act (BSA) includes legislation related to the budget passed. The following pieces of legislation were developed by the Committee and included in the BSAs.

Fiscal Year 2020 Budget Support Act of 2019 (L22-0033)

Title VI. Subtitle E. Student, Youth, and Learner Transit Subsidy Amendment Act of 2019, was introduced by the Mayor. The legislation made a number of changes to the District's transit subsidy programs, specifically Kids Ride Free, the foster care transit program, the Summer Youth Employment transit subsidy, and the adult learner transit program. The subtitle largely consolidated and condensed existing laws and removed sections of the laws that no longer are applicable. It also created new subsidy floors for both the SYEP and adult learner transit subsidies.

Title II. Subtitle O. East End and Opportunity Youth Careers Amendment Act of 2019 amended the District's Summer Youth Employment Program to allow opportunity youth not working or in school to participate in the for up to 12 weeks, double the standard program time, and to require some career exposure to apprenticeship programs in SYEP. The subtitle also raised the amounts some participants and supervisors in the program may be paid and required DOES to produce an annual report on the Summer Youth Employment Program by December 15th of every year. This subtitle also made changes to the DC Infrastructure Academy by limiting use of funds to training for occupations that pay at least 150 of the minimum wage on average, and requiring that grants and contracts be paid in part based on providers' performance outcomes. Finally, the subtitle increased work opportunity for in-school youth by requiring that two-thirds of local funds be used to serve the population, as two-thirds of federal funds must be used to serve out-of-school youth.

Title II. Subtitle I. Department of Employment Services Grants Transparency Amendment Act of 2019 amended DOES's grantmaking code by setting minimum timelines and advertising requirements to ensure a wide range of organizations have time to submit applications, ensuring integrity in the review process, and providing transparency around grant awards.

Title II. Subtitle J, Wage and Hour Education Grants Program Act of 2019, established a grant program to be administered by DOES for the purpose of educating District-based workers about their rights under District employment laws. Absent legislation, DOES first disbursed grant funds to community-based organizations for outreach purposes in FY 2018, it issued a new RFP in FY 2019, and it had funds budgeted for this activity in FY 2020. The subtitle set eligibility requirements for grantees and required that the outreach conducted with these funds is targeted to workers.

Title II, Subtitle K, Wage Tipped Wage Workers Fairness Clarification Amendment Act of 2019 clarified the informational content and reporting intervals for materials and websites that DOES must create to advise about the rights of tipped workers.

Title II, Subtitle P, DC Central Kitchen Grant Extension, extended the time for DC Central Kitchen to receive the second half of a \$1 million grant awarded by the Council in FY2019. To be eligible for the remainder of the grant, DC Central Kitchen must close on a new facility. This legislation provides DC Central Kitchen with more time to close on a new facility.

Fiscal Year 2021 Budget Support Act of 2020 (A23-407, Under Congressional Review)

Title I, Subtitle C, Revenue-Contingent Cost-of-Living Adjustment Act of 2020, proposed alternative language to the Mayor's proposed subtitle, which eliminated all cost-of-living adjustments (COLAs) for employees across covered agencies throughout the four-year financial plan. The Committee subtitle would ensure that COLAs for CBAs already entered into would be met should revenues become available.

Title II, Subtitle H, Healthcare Workforce Partnership Establishment Act of 2020 established and provided for the operation of a healthcare sector partnership in the District. The partnership will consist of healthcare employees and training providers who will work with an intermediary organization to facilitate training and hiring of District residents in the healthcare sector. This subtitle is especially relevant due to the two new taxpayer-funded hospitals currently planned for the District.

Title II, Subtitle I, DC Infrastructure Academy Employer Engagement Amendment Act of 2020 established Industry Advisory Communities at the DC Infrastructure Academy. The committees will support industry-specific training in the infrastructure and IT sectors and connect District residents with employment opportunities and careers in those fields.

Title II, Subtitle J, Workplace Leave Navigators Amendment Act of 2020 established a new grant program at the Office of Paid Family Leave at DOES. The grant program will provide funds to community based organizations to serve as guides, called navigators in this subtitle, for businesses and employees who have questions about the District's paid or job-protected leave programs.

Title II Subtitle K, School Year Internship Pilot Program Amendment Act of 2020 established a pilot program, the School Year Internships Pilot Program, that will provide 250 high school students with school-year paid internship in Spring 2021. The subtitle reflects a demand for internships that expand past the summer by students, community organizations, and witnesses at public hearings. The subtitle also requires that DOES annually publish certain information regarding youth programs under its authority.

Title II, Subtitle L, Unemployment Insurance Modernization Requirements Amendment Act of 2020 established deadlines and content requirements for the \$45 million dollar modernization of the District's Unemployment Insurance technology system. It required DOES to provide a "drop

box” at its headquarters so that workers who don’t have a computer and/or printer may file claims and complaints at DOES.

Title II, Subtitle M, District Government Transgender Employment Study Act of 2020 required the Mayor to conduct a study of the District’s employment hiring and retention of individuals who identify as transgender or non-binary.

Title II, Subtitle N, Tipped Wage Reporting Clarification Amendment Act of 2020 clarified the content of public-facing materials on tipped workers’ rights and established clear timetables for implementation. It also specified the contents of quarterly reports that third-party payroll businesses and hotel employers must file with DOES when these entities employ tipped workers.

Title II, Subtitle O, Universal Paid Leave Fund Amendment Act of 2020 restructured the funding mechanism for the administration and enforcement of the Universal Paid Leave Act (UPLA). The subtitle established two funds, the Universal Paid Leave Administration Fund and the Universal Paid Leave Enforcement Fund.

Title II, Subtitle P, Shared Work Compensation Program Clarification Amendment Act of 2020 adopted into permanent legislation previously enacted temporary Shared Work (Short Time Compensation) legislation passed by the Council in May 2020. The legislation conformed the District’s law to federal law and followed model legislation from the U.S. Department of Labor.

4. RESOLUTIONS

PR23-0059, Compensation and Working Conditions Collective Bargaining Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and the American Federation of State, County, and Municipal Employees District Council 20, Local 1959, Approval Resolution of 2018_ approved of the above collective bargaining agreement providing various benefits and salary increases for Motor-vehicle operators (except those working at the 5th Street location) of 5 percent in FY 2018, 7 percent in FY 2019, and 9 percent in FY 2020. Bus attendants (except those working at the 5th Street Location) received salary increases of 3 percent in FY 2018, 2 percent in FY 2019, and 17.9 to 23.6 percent (depending on step level) in FY 2020. Motor vehicle operators and bus attendants at the 5th Street Location receive an hourly \$1.00 premium over other operators /bus attendants. It was deemed approved.

PR23-0151, Rulemaking for Paid Family Leave Collections Approval Resolution of 2019 approved a new chapter to the District of Columbia Municipal Regulations (DCMR) governing the amount and manner in which the Paid Leave taxes are paid. It was deemed approved.

PR23-0191, Collective Bargaining Agreement between the American Federation of Government Employees, Local 1403, Compensation Unit 34, and the Public Service Commission of the District of Columbia Approval Resolution of 2019 approved of the above collective bargaining agreement providing a 2.5 percent salary increase for FY 2018-FY2020 and one point increase for performance bonus potential. It was deemed approved.

PR23-0226, Compensation Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, the Department of Corrections and Fire and Emergency Medical Services Department (Compensation Unit 13) and the District of Columbia Nurses Association Approval Resolution of 2019 approved of the above collective bargaining agreement providing various benefits and salary increases of 3 percent in FY 2018, 2 percent in FY 2019, and 3 percent in FY 2020. It was deemed approved.

PR23-0234, Compensation Agreement between the District of Columbia Department of Behavioral Health and District of Columbia Nurses Association Approval Resolution of 2019 approved the above compensation agreement providing various benefits and salary increases of 3 percent for FY 2018, 2 percent for FY 2019, and 3 percent for FY 2020. It was deemed approved.

PR23-0252, Compensation Collective Bargaining Agreement between the Government of the District of Columbia and Doctors' Council of the District of Columbia Representing Compensation Unit 19 Approval Resolution of 2019 approved of the above collective bargaining agreement providing various benefits and salary increases of 2 percent in FY 2017, 3 percent in FY 2018, 2 percent in FY 2019, and 3 percent in FY 2020. It was deemed approved.

PR23-0278, Compensation Agreement between the Department of Behavioral Health and the Doctors' Council of the District of Columbia Approval Resolution of 2019 approved the collective bargaining agreement providing various benefits and salary increases of 2 percent in FY 2017, 3 percent in FY 2018, 2 percent in FY 2019, 3 percent in FY 2020, and a \$50,000 base salary increase in FY 2019. It was deemed approved.

PR23-0281, Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019 confirmed Dionna Lewis to be a member of the Office of Employee Appeals and was approved July 9, 2019.

PR23-0343, District Retirement Benefits Program Proposed Rulemaking Approval Resolution of 2019 approved regulations establishing an automatic enrollment and 5 percent savings level for new District employees under the Defined Contribution Plan and Deferred Compensation Plan. It was deemed approved.

PR23-0535, Apprenticeship Council Leroy Watson Confirmation Resolution of 2019 confirmed Leroy Watson to be a member of the Apprenticeship Council and was deemed approved.

PR23-0536, Apprenticeship Council Courtland Cox Confirmation Resolution of 2019 confirmed Courtland Cox to be a member of the Apprenticeship Council and was deemed approved.

PR23-0557, 2020 Unemployment Compensation Maximum Weekly Benefit Amount Increase Approval Resolution of 2019 approved the recommendation of the Director of the Department of Employment Services to increase the maximum weekly unemployment compensation benefit from \$432 to \$444. It was deemed approved.

PR23-0563, Public Employee Relations Board Peter Winkler Confirmation Resolution of 2019 confirmed Peter Winkler to be a member of the Public Employee Relations Board. It was approved on Feb 4, 2020.

PR23-0647, Rulemaking for Paid Family Leave Benefits Approval Resolution of 2020 approved a new chapter to the District of Columbia Municipal Regulations (DCMR) governing the payment of Paid Leave benefits to eligible individuals. It was deemed approved.

PR23-0777, District of Columbia Workforce Innovation and Opportunity Act Unified State Plan Approval Resolution of 2020 approved the above plan providing a coordinated workforce development system and services to residents and employers. It was deemed approved.

B. LEGISLATION NOT ENACTED

This section details all legislation not passed or deemed approved by the Committee. It includes bills reported out by the Committee but not acted on by the Council, withdrawn bills, and bills with language ultimately incorporated into another piece of legislation.

1. BILLS

B23-0092, Grocery Store Development Projects Labor Peace Agreement Amendment Act of 2019, would extend the requirement for labor peace agreements to grocery store development projects.

B23-436, First Source Community Accountability Amendment Act of 2019, would make updates and reforms to the First Source law, to provide the public with more information on projects and outcomes. The First Source law requires contractors with District government to hire minimum numbers of District residents for the contract work, to ensure District residents have opportunity for employment on taxpayer-funded contracts. The bill would make much more accessible and transparent to the public First Source project locations, employment opportunities, and numbers of DC residents hired. This bill would require that the Department of Employment Services (DOES), which is tasked with First Source enforcement, post online a list of active First Source projects as well as copies of associated employment agreements and plans; to send project information to the advisory neighborhood commission (ANC) in which projects are located; and to file quarterly public reports to show the status and outcomes of every project. The bill would also require that any special agreements outside the regular hiring requirements of First Source be developed and finalized before the project begins. At the time of this report vote, a hearing was scheduled for November 19, 2020.

B23-570, First Source Resident Employment Amendment Act of 2019, would make improvements to the First Source law to increase the number of qualified District residents working on First Source projects, particularly for higher-skill jobs; improve the Department of Employment Services' assistance to First Source contractors; and remove certain reporting requirements for contractors. Specifically, the bill would allow employers to meet hiring requirements by promoting existing District-resident employees into higher-skilled positions; grant community-based organizations (CBOs) explicit authority to help identify, vet, and refer candidates for First Source projects; require that the existing workforce intermediary job training program, which is funded by fines paid by First Source contractors, be used to train DC residents exclusively for First Source projects; require DOES to proactively help employers meet hiring requirements under two special provisions; require DOES's business engagement unit to develop specific standard operating procedures for their First Source work; and eliminate the requirement for contractors to submit their monthly direct and indirect labor costs. At the time of this report vote, a hearing was scheduled for November 19, 2020.

B23-266, Prohibition of Marijuana Testing Act of 2019, would prohibit marijuana testing as a condition of employment unless required by law. A hearing was held on Sept. 25, 2019.

B23-364, Equitable Evaluations for D.C. Public School Employees Amendment Act of 2019 would require the District of Columbia Public Schools employees' evaluation process be subject to collective bargaining, and prohibits DCPS from penalizing any employee represented by a union, outside of the collective bargaining agreement guidelines.

B23-395, First Responder Legacy Preference Amendment Act of 2019 would award a 10-point legacy hiring preference to an applicant for District government employment at the Metropolitan Police Department or Fire and Emergency Medical Services Department whose parent or grandparent was also employed by the agency to which the applicant is applying and who died in the performance of duty.

B23-0400, Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2019 would establish that participation in the Marion S. Barry Summer Youth Employment Program will contribute to creditable service for purposes of retirement for a participant meeting the specified requirements who become a District government employee.

B23-442, Domestic Workers Protection Act of 2019 would extend labor and employment protections to domestic workers who perform work in and about private households in D.C. Domestic workers include an individual paid by hiring entities and provides domestic services to an individual or household in or about the private home, who is compensated for the performance of domestic services. It also would provide community-based education, outreach, and enforcement of domestic workers' labor and employment rights.

B23-536, Veterans Employment and Training Study Act of 2019 would require the Department of Employment Services to conduct a comprehensive study of veterans' employment in the District of Columbia.

B23-603, Senior Employment Tax Credit Amendment Act of 2020 would establish a tax credit not to exceed \$2000 to create incentives for certified business and small business enterprises to hire senior citizens. The Council must reauthorize the use of this tax incentive annually.

B23-605, Equitable Employment in High Displacement Risk Zone Initiative Act of 2020 would establish an initiative to create employment opportunities for District residents in high displacement risk zones for a career with an average median wage of at least \$56,000 by training residents and assisting with job placement. Careers include paralegals, computer networking support specialists, emergency medical technicians and paramedics.

B23-658, Quick Hire Amendment Act would authorize the non-competitive hiring of qualified individuals to “quick-hire eligible positions” within the Career, Educational and Management Supervisory Services. The Mayor would be authorized to designate additional positions, with severe shortages of candidates, based on criteria.

B23-664, Access to Jobs Amendment Act would establish a 2 year pilot program providing District employers with financial incentives to hire returning citizens.

B23-722, Department of Human Services Personnel Authority Amendment Act would grant the Department of Human Services with independent personnel authority.

B23-960, Employment of Minors Amendment Act of 2020, would amend the District’s youth employment permit law to transfer the program to DOES and require DOES to establish and maintain an online application system for parents, guardians, and students to apply for work permits..

B23-975, Apprenticeship Procurement Incentive Amendment Act of 2020, would amend the District’s apprenticeship law to create an incentive in the procurement process for prime contractors with the District of Columbia government who register and administer apprenticeship programs when the program is not otherwise required or who agree to a heightened requirement that 70% of all apprenticeship hours performed be performed by District residents.

B23-989, Fair Wage Amendment Act of 2020, would amend the Wage Transparency Act of 2014 to prohibit an employer from screening prospective employees based on their wage history or seeking their wage history.

2. BUDGET SUPPORT ACT SUBTITLES

Title II, Subtitle X, Universal Paid Leave Amendment Act of 2019 clarified eligibility requirements under the Universal Paid Leave Amendment Act of 2016 by: (1) permitting individuals who are not currently employed to collect paid leave benefits and (2) restricting the Mayor from denying claims to those individuals based solely on their employment status. Specifically, this subtitle amends D.C. Code § 32-541.04 to explicitly state that individuals who are not currently employed may submit a claim for paid leave benefits as provided under the law, if that individual would have otherwise been eligible to collect. This subtitle also amended D.C. Code § 32-541.06 to restrict the Mayor from denying a claim from an individual solely because of that person’s employment status. This subtitle was not included in the final BSA.

2. RESOLUTIONS

PR23-0539, Public Employee Relations Board Harriet Segar Confirmation Resolution of 2019 was introduced and withdrawn by Chairman Mendelson on behalf of the Mayor.

PR23-0785, Collective Bargaining Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association/National Education Association Approval Resolution of 2020, had its Council review period tolled pursuant to Bill 23-733, the COVID-19 Response Supplemental Emergency Amendment Act of 2020.

V. COMMITTEE HEARINGS AND ROUNDTABLES

January 29, 2019	Public Oversight Roundtable, HR23-0043 Implementation of Law 21-264, The Universal Paid Leave Act of 2016
February 14, 2019	Performance Oversight Hearing, HR23-0094 Public Employee Relations Board Office of Employee Appeals
February 21, 2019	Performance Oversight Hearing, HR23-0075 Department of Human Resources Office of Labor Relations and Collective Bargaining
February 27, 2019	Performance Oversight Hearing (Public Witnesses), HR23-0078 Department of Employment Services Workforce Investment Council
March 1, 2019	Performance Oversight Hearing (Government Witnesses), HR23-0077 Department of Employment Services Workforce Investment Council
April 5, 2019	Budget Oversight Hearing, HR23-0093 Public Employee Relations Board Office of Employee Appeals
April 9, 2019	Public Roundtable PR23-0191, Collective Bargaining Agreement between the American Federation of Government Employees, Local 1403, Compensation Unit 34, and the Public Service Commission of the District of Columbia Approval Resolution of 2019
April 10, 2019	Budget Oversight Hearing, HR23-0076 DC Department of Human Resources Office of Labor Relations and Collective Bargaining
April 10, 2019	Public Roundtable PR23-0226, Compensation Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance,

Child and Family Services Agency, the Department of Corrections and Fire and Emergency Medical Services Department (Compensation Unit 13) and the District of Columbia Nurses Association Approval Resolution of 2019

April 22, 2019	Budget Oversight Hearing (Public Witnesses), HR23-0092 Department of Employment Services Workforce Investment Council
April 24, 2019	Budget Oversight Hearing (Government Witnesses), HR23-0091 Department of Employment Services Workforce Investment Council
May 6, 2019	Public Oversight Roundtable, HR23-0090 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
June 5, 2019	Public Roundtable PR23-281, Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019
July 1, 2019	Public Hearing B23-133 Supporting Essential Workers Unemployment Insurance Amendment Act of 2019
July 11, 2019	Public Oversight Roundtable, HR23-0043 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
September 25, 2019	Public Hearing B23-0266, Prohibition of Marijuana Testing Act of 2019 B23-0309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019
October 16, 2019	Public Oversight Roundtable, HR23-0131 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
October 30, 2019	Public Oversight Roundtable, HR23-0130 A Review of the Department of Employment Services' Workforce Development Programs: Local Adult Training and the DC Infrastructure Academy
November 21, 2019	Public Oversight Roundtable, HR23-0132 A Review of the Department of Employment Services' Workforce Development Programs: Project Empowerment and DC Career Connections
December 4, 2019	Public Hearing B23-531, Collective Bargaining Fair Compare Amendment Act of 2019
December 6, 2019	Public Hearing

B23-494, Ban on Non-Compete Agreements Amendment Act of 2019

December 11, 2019	Public Roundtable PR23-539, Public Employee Relations Board Harriet Segar Confirmation Resolution of 2019 PR23-563, Public Employee Relations Board Peter Winkler Confirmation Resolution of 2019
January 9, 2020	Joint Public Hearing with Committee on Facilities & Procurement B23-471, Independent Compliance Office Establishment Act of 2019
January 30, 2020	Public Oversight Roundtable Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016 PR23-647, Rulemaking for Paid Family Leave Benefits Approval Resolution of 2020
February 21, 2020	Performance Oversight Hearing Department of Human Resources Office of Labor Relations and Collective Bargaining
March 4, 2020	Performance Oversight Hearing (Public Witnesses) Department of Employment Services Workforce Investment Council
March 6, 2020	Performance Oversight Hearing (Government Witnesses) Department of Employment Services Workforce Investment Council
May 28, 2020	Budget Oversight Hearing (Public Witnesses) Agencies under Purview
June 4, 2020	Budget Oversight Hearing (Government Witnesses) Department of Employment Services
July 9, 2020	Public Oversight Roundtable Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
September 16, 2020	Public Oversight Hearing (Public Witnesses) The District's Unemployment Compensation Program During the COVID-19 Pandemic B23-500, The Unemployment Compensation Employer Classification Amendment Act of 2019
September 30, 2020	Public Oversight Hearing (Government Witnesses) The District's Unemployment Compensation Program During the COVID-19 Pandemic B23-500, The Unemployment Compensation Employer Classification Amendment Act of 2019
October 26, 2020	Public Oversight Roundtable

VI. COMMITTEE ACTION

On November 19, 2020, the Committee on Labor and Workforce Development met to consider the Council Period 23 Report of the Committee on Labor and Workforce Development Activities. The meeting was called to order at 10:07a.m. The Report was the fourth item on the agenda. After ascertaining a quorum (Chairperson Silverman and Councilmembers Charles Allen, Kenyan McDuffie, David Grosso, and Robert White), Chairperson Silverman made a statement outlining the contents of the report. The Committee voted unanimously to approve the Report.

- **Jobs, careers and training for District residents**, including work to provide residents with in-demand workforce skills, respond to employer hiring needs, and improve program transparency and performance
- **Enforcement and implementation of the District's employment laws**, including strengthening the unemployment safety net, prioritizing workers' rights, and overseeing implementation of the new University Paid Leave Act
- **District government operations and employment**, including ensuring fair labor-management negotiations, respecting collective bargaining agreements, providing job opportunity to District workers in government employment, and examination of personnel policies related to medical marijuana.

The top laws enacted or bills advanced during Council Period 23 by the Committee include:

- Sections of *B23-733 COVID-19 Response Supplemental Emergency Amendment Act of 2020* (Act A23-0286) and of *B23-757 the Coronavirus Support Emergency Amendment Act of 2020* including expanding unemployment insurance eligibility, paid sick time, and Family and Medical Leave; and modernizing the District's shared work (short-time compensation) program.
- *B23-870 Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020* and *B23-781* (temporary), which require employers to adhere to the Mayor's Order that requires the wearing of face masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.
- *B23-0531 Collective Bargaining Fair Compare Amendment Act of 2019* (Law 23-91), which will ensure District government public servants can bargain for fair and competitive compensation in collective bargaining negotiations.
- *B23-309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019*, which would prohibit the District of Columbia government from discriminating, in employment, against individuals participating in the medical marijuana program.
- *B23-494, Ban on Non-Compete Agreements Amendment Act of 2019*, which would ban the use of non-compete provisions in employment agreements and workplace policies.

Other key accomplishments during Council Period 23 include:

- Holding oversight hearings and producing public education materials on unemployment insurance and related benefits, which were critical lifelines during the pandemic
- Passing legislation in the budget to set deadlines for the 10-year project to modernize the unemployment insurance IT system
- Overseeing implementation of the launch of the new Universal Paid Leave Program and establishing and funding a new Workplace Leave Navigators grant program

- Establishing and funding new, business-led, strategic planning for key industries, such as health care and infrastructure
- Funding job training in key fields like information technology, construction, and healthcare
- Establishing and funding the School Year Internship Pilot Program, which creates a paid internship pilot program for 250 District high school students in Spring 2021 to gain skills and experience needed for future success.
- Expanding youth programming to incorporate exposure to apprenticeships, additional time for summer jobs for opportunity youth, and directing funds to more year-round in-school youth programs.
- Utilizing the budget process to obtain performance data on workforce development programs and conduct deep dives in oversight hearings.

II. JURISDICTION AND COMMITTEE MEMBERSHIP

The Committee is responsible for matters of District government employment and labor relations; workforce development and job training; unemployment insurance, private sector workers' compensation, and paid family and medical leave programs; and enforcement of employment laws including the minimum wage.

The following agencies and other entities were under the Committee's jurisdiction during Council Period 23:

- Apprenticeship Council
- Department of Employment Services
- Department of Human Resources
- Disability Compensation Fund (also called Employee Compensation Fund)
- Labor/Management Partnership Council
- Occupational Safety and Health Board (inactive)
- Office of Employee Appeals
- Office of Labor Relations and Collective Bargaining
- Public Employee Relations Board
- Unemployment Compensation Fund
- Workforce Investment Council

Councilmember Elissa Silverman chairs the Committee. Councilmembers Charles Allen (Ward 6), David Grosso (At-Large), Kenyan R. McDuffie (Ward 5), and Robert C. White, Jr. (At-Large) are members of the Committee.

III ACTIVITIES AND PRIORITIES

A. SUMMARY OF ACTIVITIES AND PRIORITIES

The Committee takes seriously its three main roles: oversight, legislation, and budgeting for agencies in its jurisdiction. The Committee's oversight of agencies' performance and budgets aims to ensure that taxpayer funds are used appropriately and have a good return on investment, and that agencies' programs and activities serve District residents well and are fully compliant with the law. Highlights of the Committee's work follow.

Jobs, Careers, and Training for District Residents

The District suffers from exceptionally high economic inequality. Workforce development policies can help reduce disparities by providing District workers with job preparation, occupational training, and other services to put them on a path to living-wage careers. However, the District has several significant challenges: tens of thousands of District residents lack high-school level educational skills; employers consistently report to the Committee that District workers do not have the "soft skills," such as communication, dress, and good work habits, necessary to succeed in the workplace; and dozens of government agencies offer workforce development services but do not operate strategically or systematically.

The Committee's work to increase job and career opportunities for District residents focused on the following areas in Council Period 23:

Providing Residents with In-Demand Workforce Skills. The Committee's FY 2020 and 2021 budgets worked to ensure that residents develop skills for in-demand occupations. Starting with youth, the Committee amended the Summer Youth Employment Program (SYEP) law to allow opportunity youth not working or in school to participate in the program for up to 12 weeks, double the standard program time. The Committee also added career exposure to apprenticeship programs during SYEP. The Committee increased work opportunity for in-school youth by requiring that two-thirds of local funds be used to serve that population, as two-thirds of federal funds must be used to serve out-of-school youth. The Committee funded a new work-based learning coordinator position in DC Public Schools for Career and Technical Education programs in District high schools. The *Pathways to District Government Careers Amendment Act* established a District government apprenticeship program, which provides first consideration for entry-level District government jobs to graduates of District high schools, and established a partnership between the DC Department of Human Resources and District secondary schools. Lastly, the Committee established and funded the School Year Internship Pilot Program, which creates a paid internship pilot program for 250 District high school students in Spring 2021 to gain skills and experience needed for future success.

In addition to its efforts on youth programs, the Committee shored up adult programming. The Career Pathways Innovation Fund (CPIF), which helps low-literacy DC residents get jobs through the best practice of integrated education and training. CPIF has been a highly successful approach to adult education and workforce development in the District. The Committee restored funding eliminated by the Mayor in the proposed FY2020 budget, secured additional funding at

the Council level for the program in FY2020, and identified enhanced funding in the FY 2021 budget. Additionally, after hearing from employers of the need for more District residents to be licensed as commercial drivers and to be trained in Information Technology, the Committee invested in training at the DC Infrastructure Academy and added an FTE to manage the training.

Responding to Employer Hiring Needs. The Committee knows successful workforce development programs and systems are responsive to the hiring needs of businesses. To ensure public dollars are spent on training for in-demand, high growth jobs, the Committee invested in developing workers in the healthcare and infrastructure industries. Two laws passed in the FY2021 Budget Support Act required industry leaders to advise the District on its workforce programming. First, the Healthcare Sector Partnership was established through the Workforce Investment Council to increase the number of District residents employed in the healthcare industry. The partnership will heavily invest in employer engagement by creating a sector intermediary to connect business and training providers to help trainees move directly into employment with partner employers.

Second, in FY2020, the Committee set new standards for high-wage training at the DC Infrastructure Academy. These standards require performance-based payments (based in part on participants obtaining credentials or employment), incentivizing employment retention by providers by allowing bonus payments. In FY2021, the Committee created industry advisory committees at the DC Infrastructure Academy (DCIA) to guide training and funded a new Industry Committee Coordinator to meet employers' needs and help more District residents get living-wage jobs and stable careers in high-demand fields. The Committee also required the Executive to review options for the DCIA location to remain East of the Anacostia River and preferably within Ward 8 before expending funds for the design at 2500 Benning Road NE location.

Additionally, current District law requires that certain contractors with District government agreements use DOES as the "first source" for finding candidates for jobs created by the contracts and hire minimum percentages of District residents for those jobs. The Committee authored two bills to improve the implementation of the First Source law. *B23-0570, the First Source Resident Employment Act of 2019*, would make improvements to the First Source law to increase the number of qualified District residents working on First Source projects, particularly for higher-skill jobs; improve the Department of Employment Services' assistance to First Source contractors; and remove certain reporting requirements for contractors. *B23-0436, the First Source Community Accountability Amendment Act of 2019*, would update and reform the First Source law to provide the public with more information on projects and outcomes. The Committee held a hearing on these bills on November 19, 2020.

Transparency and Program Performance. To determine if the District is spending its estimated \$150 million in annual workforce development funds wisely, the Committee conducted oversight and evaluated quantitative and qualitative data for program efficacy. In Council Period 22, the Committee authored and passed the *Workforce Development System Transparency Act*. It requires the Workforce Investment Council to publish an annual spending and outcomes report (Expenditure Guide) for all workforce development programs, including adult education, soft skills programs, and occupational training in agencies across the government. Oversight in CP23 of the 2019 and 2020 Expenditure Guides revealed the need for continued data collection as both

guides fell short of the required information mandated by law, particularly on program outcomes. The Committee conducted oversight in performance oversight hearings and in meetings to push the WIC to improve the reports to contain the required information. Such information is necessary for the evaluation of public investments in workforce programming.

Additionally, the Committee utilized the budget process to obtain program outcomes data from DOES. Each year, program funding is assumed to continue, regardless of demonstrating program effectiveness. In the FY2020 budget, the Committee recommended that \$5.8 million in recurring workforce development programmatic funding be replaced with one-time money across several locally funded programs. The Committee then made specific data requests, to which DOES responded. The Committee then held public oversight roundtables on Project Empowerment, DC Career Connections, DC Infrastructure Academy, and the Local Adult Training programs to hear from the public, employers, and government about program success and satisfaction. The data and oversight hearings helped the Committee analyze the programs and inform the FY2021 budget process and may also be used to inform Council Period 24 legislation.

Enforcing and Implementing Employment and Labor Laws

Strengthening the Unemployment Safety Net. The longest partial federal government shutdown in American history lasted 35 days, between December 22, 2018, and January 25, 2019. Its impact on the regional economy and on the thousands of affected workers and their families was immense. Many workers applied to the Department of Employment Services (DOES) for unemployment compensation while the shutdown dragged on. But, according to the United States Department of Labor, the “excepted” employees who remained on the job on a full-time basis, despite not being paid, could not qualify for unemployment insurance benefits. At the request of the Executive, the Council first passed the *Supporting Essential Workers Unemployment Insurance Emergency Amendment Act of 2019*, then ultimately passed a similar permanent law, B23-0133, the *Supporting Essential Workers Unemployment Insurance Amendment Act of 2020* to ensure that those working during a shutdown will be able to take advantage of the same safety net as their counterparts.

In response to the Coronavirus pandemic, which began in March 2020, the Council enacted a series of amendments to the District’s unemployment laws expanding eligibility for benefits. For example, while the District had short-term compensation laws on the books, it was necessary to clarify and expand on the existing provisions in order to make sure the program would work in the context of the pandemic. Other changes to the law ensured that liberalized federal unemployment eligibility requirements in the Families First Coronavirus Response Act (FFCRA) and Coronavirus Aid, Relief, and Economic Security (CARES) Act were not hindered in local law.

The Committee also held multiple oversight hearings in Fall 2020 to hear from the public about their experience with the unemployment insurance (UI) system. More than 150,000 District workers filed for unemployment benefits between mid-March and mid-October 2020 in response to the coronavirus pandemic and related economic downturn. The volume contributed to delays in benefits and revealed numerous deficiencies in the processing of claims. Hundreds of workers reached out to the Committee and Councilmembers to ask for assistance and report problems with their claims.

The committee also conducted a great deal of public education on new and special coronavirus-related unemployment benefits established by the District and federal government, as well as how the underlying system worked. The Committee produced multiple education documents, utilized social media, hosted events on Facebook Live, and responded to hundreds of individual constituent requests for assistance in applying for benefits.

One of the Committee's most pressing concerns over the last several years has been the unemployment insurance information technology modernization project ("UI Modernization"), a capital project plagued with delays since its inception in FY2011. Unfortunately, the pandemic has only highlighted the need for a truly modernized system. The FY2021 budget included legislation that requires DOES to select a contractor to finally update the claimant-facing portal by September 30, 2022.

Prioritizing Workers' Rights. The District has been touted as having some of the strongest worker-protection laws in the country; however, groups that regularly conduct outreach to these workers report to the Committee that the majority of workers they encounter are unaware of their rights or where to go for help. Moreover, those workers who are aware of minimum wage, sick leave, and other legal protections consistently report that filing a complaint at DOES is a complicated and slow process. The Committee has focused its oversight on understanding DOES procedures around wage-hour cases and encouraging creative solutions to enable efficient and fair resolution of these cases.

Since 2018, the Committee has required DOES to issue grants for local groups to conduct public outreach and education about workers' rights. Funds were provided in the FY2020 and FY2021 budgets. The Committee also wrote legislation specifying the qualifications, content, and results expected from grantees.

The Committee also continues to respond to the needs of tipped workers and the businesses that employ them. The Committee addressed concerns raised by employers and third-party payroll providers that an existing payroll reporting law was overly cumbersome to comply with. Further changes by the Committee clarified the timeframe for implementation of tipped worker protections and specified the contents of a notice poster.

In FY2021, the Office of the Attorney General will begin employing a second full-time attorney position funded by the Committee. The Committee has been encouraged by the OAG's success at protecting District workers and believes this additional staff role will further shared goals for worker protection.

Finally, the Committee authored and passed emergency legislation to respond to the workplace health and safety risks raised by the coronavirus pandemic. The *Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020* requires employers to adhere to the Mayor's Order that requires the wearing of masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.

Implementation of Universal Paid Leave Act. The Universal Paid Leave Act was fully implemented during Council Period 23. In July 2020, District workers became eligible for and many began receiving benefits to help them while away from work due to parental leave, caregiving for a seriously ill relative, or to recover from one's own serious illness. In standing up the Office of Paid Family Leave (OPFL) within the Department of Employment Services (DOES), the agency created an information technology system to collect employer contributions and pay benefits to eligible workers, draft and implement regulations, and conduct outreach to employers and workers. The Committee has held quarterly public roundtables to ensure that DOES responds to concerns raised by the Council, the public, and advocates for the populations most likely to use paid family leave.

District Government Operations and Employment

A major element of the Committee's jurisdiction is ensuring the public sector works both for its employees and its customers and clients. To that end, the Committee has conducted oversight and advanced legislation related to District-government employment and how agencies providing services to District employees operate.

Ensuring Fair Labor Negotiations: The Committee drafted and passed *the Collective Bargaining Fair Compare Amendment Act of 2020* (Law 23-91), which ensures that public servants may negotiate compensation that is competitive with similar jurisdictions. Prior to this law, compensation was limited to the Washington, D.C. geographic area. Because the District is more similar in cost of living to other urban cities than most nearby localities, the compensation rates reached under a local-only analysis unfairly constricted the compensation of the bargaining units.

Respecting collectively bargained labor agreements: In the FY2021 proposed Budget Support Act, the Mayor invalidated cost-of-living adjustments (COLAs) previously negotiated for a large group of public sector employees. This was a cost savings measure due to the negative revenue impacts of the COVID-19 public health emergency. The Committee worked with labor unions to amend this subtitle to ensure that should revenues become available, they will first be used to provide the already-negotiated COLAs.

Providing job opportunity to District workers in District government employment. In CP22, the Committee passed the Pathways to District Government Careers Amendment Act of 2018 (L22-211). In CP 23, the Committee conducted oversight to ensure the law is implemented on time. The law requires agencies to implement hiring processes that prioritize the hiring of District residents, current public and charter school students and graduates of DC public and charter schools, and those who have completed certain programs overseen by the Department of Employment Services. It also required the establishment of a public-sector apprenticeship program.

Oversight of collective bargaining agreements (CBA) negotiations. When CBAs are negotiated between District government and unions representing its employees, District law requires that the proposed CBAs be reviewed by the Council prior to final approval. The

Committee has held roundtables on CBAs negotiated during this Council period to learn about the union, its members, the members' work, and the negotiations process that led to agreement on the CBA. Approved agreements during CP23 included motor vehicle operators and bus attendants employed by OSSE, attorneys employed by the Public Service Commission, nurses and doctors employed at various agencies, medical officers at the Department of Health, and faculty at the University of the District of Columbia.

Examination of personnel policies related to use of marijuana. During CP23, many employees and labor unions approached the Committee with questions and concerns about the District's policies on government employees who use marijuana, especially medical marijuana. The Committee held a hearing and later passed legislation introduced by Committee member Grosso that would establish the District's first employment protections for medical marijuana users, the *Medical Marijuana Program Patient Employment Protection Amendment Act of 2019* (B23-309). The Committee also conducted oversight on the existing personnel policies to understand their operation, suggest improvements, and inform the legislation.

Improving public access to information. The Committee has supported and further encouraged access to public information by the Office of Employee Appeals and the Public Employee Relations Board. The Committee provided funding for website updates in CP22 and encouraged use of virtual hearing platforms in CP23. The Committee also conducted oversight of proposed regulations issued by PERB. Finally, the Committee encouraged the Office of Labor Relations and Collective Bargaining, which retains copies of all CBAs entered into between the District and labor units, to post related documents such as CBAs or decisions and announcements in one place on the agency website. The Committee also encouraged agencies to create guides for users to simplify complex information, especially those representing themselves before the Office of Employee Appeals or the Public Employee Relations Board, and to otherwise modernize operations in a way that fosters enhanced access by the public.

B. ANNUAL POLICY RECOMMENDATIONS

The Committee's annual budget reports included detailed discussion of policy matters and made policy recommendations. The summaries of the policy recommendations as they appeared in the annual budget reports follow.

DC Department of Human Resources

2019 Policy Recommendations

1. Increase efforts to hire District residents into District government jobs:
 - a. Implement the Pathways to District Government Careers Act.
 - b. Increase the target for hiring residents.
2. Enforce residency requirements and improve auditing, verification, and reporting to Council
3. Ensure the LEAP program assists participants to find permanent employment
4. Clarify suitability policy related to marijuana use and testing, and communicate updated policy to all employees

- a. Complete review of marijuana policy, and develop a policy that is fair, clear, and consistent with District law
- b. Establish one location online with all relevant suitability information and ensure agency orientations provide all relevant policy information
- c. Conduct education campaign on new policy
- 5. Reduce hiring time/ time to fill
- 6. Implement deferred compensation auto-enrollment law and improve 457(b) savings plan participation
- 7. Continue training and policy development related to sexual harassment
- 8. Continue to educate agencies on personnel rules, including term hiring
- 9. Complete the effort to uncover tax withholding errors and make necessary fixes

2020 Policy Recommendations

- 1. Provide timely and clear guidance to employees and agencies, particularly in emergencies
 - a. Provide guidance as quickly as possible.
 - b. Provide uniform guidance to employees and agencies whenever possible
- 2. Work to increase the portion of District government employees who live in the District
 - a. Increase target for percent of new hires who are District residents.
 - b. Analyze agency-level hiring rates
 - c. Continue implementing the Pathways to District Government Careers Act
 - d. Fully transition from paper-based residency verification to electronically-based verification, as required by the District Employee Residency Amendment Act
 - e. Develop recommendations for benefits or policies to incentivize District residency
- 3. Centrally track grievances and complaints across government, to identify patterns or problems
- 4. Develop a guide for employees to file complaints with the right entities

Department of Employment Services

2019 Policy Recommendations

Paid Leave

- 1. Release the Request for Proposal (RFP) for the upcoming benefits system as soon as possible to ensure a timely delivery of the system.
 - a. The RFP for the tax collection IT system was released too close to the July 1 deadline.
 - b. Development of the benefits IT system will likely need to be longer given it is more complicated than tax collection.
 - c. DOES should use all resources available to ensure that the final RFP is both submitted timely and technologically sufficient for the system's needs.
- 2. Release draft regulations as soon as possible for the upcoming benefits system to ensure sufficient input and timely delivery of system.

3. Improve communications strategy around paid family leave implementation to ensure that businesses are prepared for upcoming July 1 tax collection.
 - a. Develop a strategic plan for communicating with employers, and work with employers, payroll providers, and business associations to ensure that materials include critical guidance about the law and its implementation.
 - b. Consider looking to other District agencies for ideas about mass communications.
4. Provide a detailed analysis or spending plan for the \$61 million allocated for the paid family leave IT system.
5. Utilize user testing to ensure that the tax and benefits systems meet the needs of intended users.
6. Hire all of the staff needed to run the paid leave program.
7. Ensure that DOES has the budget authority to pay for claims that will be filed in Fiscal Years 2020 and 2021

Workforce Development

1. At the DC Infrastructure Academy:
 - a. Train more individuals for high-wage careers.
 - b. Ensure that trainees obtain employment and are placed in jobs in the fields in which they were trained. Work with partner entities to hire more graduates.
 - c. Spend private money first.
 - d. Provide the Council and the public with a strategy regarding long-term plans for the DCIA building.
2. Improve the Year-Round Youth program by providing more year-round occupational skills training and job opportunities for in-school youth.
3. Increase First Source transparency and compliance
 - b. Continue to improve tracking of projects
 - c. Review calculation of penalties.
 - d. Finish required regulations and report to Council.
4. Utilize the integrated education and training model.
5. Increase opportunities in the Mayor Marion S. Barry Summer Youth Employment Program (MBSYEP) for youth most in need and utilize funds more efficiently.
 - a. Extend the program by six weeks for opportunity youth.
 - b. Place more participants with host employers from registered apprenticeship programs.
 - c. Raise wages for 14-and-15-year-olds.
 - d. Evaluate the effectiveness of soft skills training provided and the causes of attrition
 - e. Streamline certification and eligibility processes.
 - f. Ensure that prices charged by District agencies to host and/or place participants are fair.
6. Implement the Pathways to District Government Careers Act.
7. Ensure the LEAP program assists participants to find permanent employment.
8. Provide complete and accurate data in Project Empowerment, and enroll some prospective participants in federally funded programs

9. Be transparent about the formula and process to distribute WIOA funds to the Workforce Investment Council (WIC).
10. Work with the One-Stop Operator and the WIC to enable them to conduct their work at the AJCs, as required by WIOA
11. Improve customer service.
12. Continue to expand registered apprenticeship in non-construction fields and improve tracking of data
13. Implement recommendations from the independent evaluation of the DC Career Connections program.
14. Improve transparency of grantmaking and contracting.
 - a. Solicit grants and contracts in a transparent manner.
 - b. Share the results of grantee monitoring with the Council.
 - c. DOES should develop and widely disseminate a grant and contract schedule
 - d. Work with the Office of Contracting and Procurement to ensure that the District is paying fair market prices for training

Labor Standards

1. Improve the wage-hour complaint process.
 - a. Remove notarization requirements.
 - b. Gather complaint specifics in intake interviews rather than on the written complaint form.
 - c. Proactively communicate with complainants.
 - d. Revise and streamline the wage-hour complaint form.
2. Conduct workplace-wide investigations and penalize employers that violate foundational provisions of our worker protection laws.
3. Outreach regarding wage and hour laws must better address the rights of District workers.
4. Newly required tipped worker protections should be implemented efficiently.
5. DOES should work with the Office of Administrative Hearings (OAH) to ensure that administrative hearing decisions are posted online for most cases.

Unemployment Insurance

1. Prioritize staff training in order to avoid errors that harm workers.
2. Process OAH claim reversals within three business days and transmit documents electronically.

2020 Policy recommendations

Unemployment Insurance

1. Modernize the unemployment insurance call center and provide continual training
2. Implement the full modernization of the IT system
3. Crack down on misclassification of low-wage workers
4. Understand the scope of misclassification in the District

5. Make our unemployment system accessible to non-English speakers
6. Implement fair overpayment collection practices
7. Improve communications related to the Office of Administrative Hearings
8. Prioritize staff training

Workforce Development

1. Improve program delivery in Project Empowerment and Career Connections
 - a. Develop a programmatic strategic plan incorporating career pathways and alignment with WIOA State Plan and the DOES Vision Forward Plan
 - b. Select and utilize a validated career assessment tool to best match participants with appropriate host sites
 - c. Partner with the WIC to develop a unified business services plan with sector-specific business liaisons
2. Implement recommendations from the Career Pathways and Adult Literacy Task Force Strategic Plan
 - e. Utilize the integrated education and training model
 - f. Utilize the career maps developed by the WIC and individualize career maps to help advise and guide residents to living-wage careers
 - g. Maximize referrals via the Data Vault by ensuring the necessary fields in the DOES Virtual One-Stop System are mandatory
3. Improve monitoring and enforcement of First Source law
4. Complete the Youth Programs strategic plan incorporating Career Pathways and aligned with the WIOA State Plan by the end of FY2021
5. Enhance transparency of DOES policies, data and timely submission of reports
 - a. Develop and publish widely an agency policy manual
 - b. Submit required reports on time and complete per legislation

Paid Leave

1. Agency Overreach Harms Vulnerable Communities
2. Continue positive progress in onboarding and training Paid Leave staff
3. Create a flyer to help Universal Paid Leave claimants understand their rights
4. Build on existing relationships to inform the public about the program

Labor Standards

1. Eliminate delays in issuing notices of complaints to employers
2. Demand evidentiary documents from employers
3. Conserve agency time and finances by reducing non-wage-hour complaint filings
4. Require employers to provide Notice of Hire form to their employees, to prove they have provided it, and to pay penalties when they do not
5. Address retaliation complaints the week they are filed
6. Do not constrain employees from discussing settlement terms and expand the scope of settlement agreements
7. Improve wage-hour complaint form

Office of Employee Appeals

2019 Policy Recommendations

1. Proactively follow up on orders issued against an agency to determine agency compliance.
2. Increase timeliness of decisions issued.

2020 Policy Recommendations

1. Publish guidance for pro se litigants on agency website identifying and explaining any special rights or issues particular to those who represent themselves. Similarly, publish a document on agency website explaining what types of cases the agency has jurisdiction to hear and mediate on the agency website.
2. Board members should conduct business whenever a quorum is attainable and conduct business through virtual means if unable to meet in person.
3. Publish agency rules in *DC Register* by September 30, 2020.
4. Complete review of agency mediation program and report findings and recommendations to the Council.

Office of Labor Relations and Collective Bargaining

2019 Policy Recommendations

1. Renegotiate collective bargaining agreements before they expire.

2020 Policy Recommendations

1. Analyze and incorporate into standard operating procedures the new agency rules adopted by the Public Employee Relations Board.
2. Meet the agency's goal to avoid paying opposing counsel's legal fees.
3. Expand training at DCPS and MPD for labor liaisons and agency management.
4. Make available every active Collective Bargaining Agreement between the District and bargaining units on the OLRCB website.

Public Employee Relations Board

2019 Policy Recommendations

1. Implement a more targeted system for advertising training programs to agencies.
2. Ensure timeliness of decisions issued.

2020 Policy Recommendations

1. Draft and publish on the agency website an accessible guide to the rule changes adopted in FY2020.
2. Create and implement a plan to conduct hearings in a public health emergency.
3. Create and implement a plan to conduct all planned trainings virtually.

Workforce Investment Council

2019 Policy Recommendations

1. Take the lead on creating and operationalizing career pathways, including for specific projects such as the St. Elizabeths hospital
2. Release Transparency Act on time; ensure it is complete
3. Engage with Deputy Mayor for Education to delineate roles and responsibilities of WIC and DOES within the legal parameters of WIOA, and to foster coordination, cooperation, and information-sharing.
4. Coordinate agencies to create an aligned workforce system, and participate in grantmaking and provider selection as required by local and federal law
5. Continue to do grantmaking and improve the grantmaking process
6. Include meaningful community input in the next iteration of the District's WIOA state plan
7. Provide accountability and oversight to the workforce system
 - a. Staff should provide WIC board with detailed performance, funding, and federal oversight information
 - b. Board should review performance information to improve or cut providers and direct programming
8. Improve American Job Centers
 - a. Conduct active oversight of the One-Stop Operator
 - b. Work with DOES to ensure OSO can meet the terms of its contract
 - c. Develop AJC evaluation criteria as required under WIOA
9. Continue expansion of the ETPL, target priority occupational certifications and apprenticeships, coordinate with DOES so that local programs also utilize ETPs
10. Continue to actively involve board in grantmaking, contracting, and oversight of WIC funded programs
11. Support WIC subcommittees and create goals and workplans
12. Review Career Pathways Community of Practice to determine whether to continue it before expending more funds, or whether to restructure it

2020 Policy Recommendations

1. Act as the convener of partners in the workforce system to coordinate among agencies and providers: Organize workforce plans around upcoming economic development projects
2. Work with DOES to improve performance of the eligible training providers
3. Publish the Expenditure Guide, and ensure it includes all required information
4. Improve operations at the American Jobs Centers
 - a. Hire a One-Stop Operator with a track record of success; set clear expectations
 - b. Develop AJC evaluation criteria as required under WIOA
5. Provide capacity building to a variety of job training and adult education programs to utilize the teaching methodology Integrated Education and Training
6. Complete industry-level career maps and create a tool to generate individualized career maps
7. Enhance the provider directory to be a searchable and interactive database

IV. LEGISLATION CONSIDERED

A. ENACTED LEGISLATION AND MEASURES APPROVED IN COMMITTEE

This section describes legislation passed by the Committee and enacted by the Council. It includes confirmations and collective bargaining agreements. It specifies any resolutions which were “deemed approved,” or approved by default after a specific time period. It excludes reprogramming requests, proposed contracts, and emergency and temporary legislation when accompanied by full legislation.

1. LAWS ENACTED

B23-0133 Supporting Essential Workers Unemployment Insurance Amendment Act of 2019 (Law 23-85). The law permits furlough-excepted federal employees to qualify to receive unemployment-like weekly benefits payments in the event of a federal government shutdown. Funds would be repayable to the District if the employee was subsequently paid by the federal employer.

B23-0531 Collective Bargaining Fair Compare Amendment Act of 2019 (Law 23-91) amends the comparators that determine what qualifies as “competitive compensation” in collective bargaining negotiations and permits comparisons with similar cities outside of the Washington region.

The following portions of *B23-0718, the COVID-19 Response Emergency Amendment Act of 2020* (Act A23-0247) and *B23-0719, the COVID-19 Response Temporary Amendment Act of 2020*, were authored by the Committee:

- Section 101 regarding Wage Replacement provided that during a public health emergency, employers’ experience ratings would not be impacted by their employees filing for unemployment benefits. It also provides that a person unemployed due to the pandemic or their employer’s failure to take certain protective measures in the workplace can qualify to receive unemployment compensation benefits. It also eliminated the requirements that a claimant perform weekly searched for new jobs and that the claimant wait a week to receive their first benefit payment.
- Section 102 extended family and medical leave protections to employees in the event they needed to be absent from work due to a quarantine or isolation order.

The following portions of *B23-0733, COVID-19 Response Supplemental Emergency Amendment Act of 2020* (Act A23-0286) and *B23-0734, the COVID-19 Response Supplemental Temporary Amendment Act of 2020*, were authored by the Committee:

- Section 101 expanding eligibility for unemployment insurance during the public health emergency and technical corrections to conform with federal law.
- Section 102 amending the District’s Shared Work law to expand eligibility and confirm with federal law.

- Section 103 enacting additional sick leave rights for workers at businesses with between 50-499 employees.
- Section 104 enables the Mayor to use certain paid leave money to be used to fund enforcement of emergency sick leave rights.

The following portions of *B23-0750, Coronavirus Omnibus Emergency Amendment Act of 2020*, were authored by the Committee:

- Section 17 requires that hiring for the District’s Contact Trace Force initiative to contain the spread of the 2019 coronavirus aim to hire at least fifty percent District residents, and for the position of investigator, whether it be a temporary or permanent position, also establish a goal and make the best effort to hire at least twenty-five percent graduates from a workforce development or adult education program funded or administered by the District of Columbia.
- Section 18 amended the District’s unemployment compensation law regarding Shared Work plans (also known as short-time compensation) to conform with federal law.
- Section 19 amended the paid sick leave law to ensure that funds were available for enforcement of emergency sick leave provisions enacted by the Council on an emergency basis.

The following portions of *B23-0757, the Coronavirus Support Emergency Amendment Act of 2020* and *B23-0758, the Coronavirus Support Temporary Amendment Act of 2020*, which consolidated four prior emergency bills responding to the coronavirus pandemic, were introduced by the Committee:

- Sec. 101 contained substantially similar provisions to section 101 of B23-0718.
- Sec. 102, the Unemployment Insurance Clarification subtitle, further conformed District law with federal coronavirus relief legislation.
- Sec. 103, the Shared Work compensation program clarification, further amended the Shared Work provisions in the unemployment law to conform them with model state legislation provided by the US Department of Labor to enable the District to implement the law effectively.
- Sec 104, on Family and Medical Leave, expanded eligibility for workers to use unpaid leave by creating “COVID-19 leave” which can be used for purposes associated with the pandemic for up to sixteen weeks during the public health emergency.
- Sec 105, regarding Paid Public Health Emergency Leave, amended the DC accrued sick and safe leave law to require employers in the District with 50-499 employees to provide additional paid leave from work for purposes due to the COVID public health emergency.

Section 6 of *B23-776, Coronavirus Support Clarification Emergency Amendment Act of 2020*, was introduced by the Committee to make technical amendments to the District’s Family and Medical Leave Act requested by the Office of Human Rights.

B23-0870, the Protecting Business and Workers from COVID-19 Emergency Amendment Act of 2020 (Act A23-0384) and *B23-0871, the Protecting Business and Workers from COVID-19*

Temporary Amendment Act of 2020, which require employers to adhere to the Mayor's Order that requires the wearing of masks and for employers to provide masks to employees, to prohibit retaliation against employees seeking to ensure the safety of their workplaces, and to provide avenues for small businesses to purchase protective equipment for their workplaces and employees.

B23-983, Unemployment Benefits Extension Emergency Amendment Act of 2020, and *B23-984, Unemployment Benefits Extension Temporary Amendment Act of 2020*, would qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program.

2. BILLS APPROVED IN COMMITTEE

B23-0090, Commission on Poverty Establishment Amendment Act of 2020, would establish a Commission on Poverty to address the needs and interests of persons in poverty. The Commission must evaluate existing and subsequent anti-poverty programs to determine their effectiveness and make recommendations for improvement. The Commission shall meet a minimum of 9 times annually with no less than 4 meetings held in areas of the District with high concentrations of poverty. A hearing was held on November 1, 2017 (for its predecessor, B22-178), and the bill was approved by the Committee on Nov. 19, 2020.

B23-309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019, would prohibit the District of Columbia government from taking adverse employment action, against individuals participating in the medical marijuana program. A hearing was held on Sept. 25, 2019, and the bill was approved by the Committee on Oct. 27, 2020.

B23-471, Independent Compliance Office Establishment Act of 2019 would establish the Office of the Chief Compliance Officer ("Office") as an independent authority and outlines the duties of the Office and of the Chief Compliance Officer. It would transfer enforcement of the First Source hiring law from the Department of Employment Services to the new Office. The Committee approved the legislation with amendments on January 29, 2020, after which the bill was sequentially referred to the Committee on Business and Economic Development.

B23-494, Ban on Non-Compete Agreements Amendment Act of 2019, would ban the use of non-compete provisions in employment agreements and workplace policies. It also would protect employees' right to make a complaint or file a court case and it bars employers from retaliating against employees who inquire about their rights. Among other things, it specifies statutory penalties and relief for noncompliance. A hearing was held on December 6, 2019, and the bill was approved by the Committee on Nov. 19, 2020.

B23-500, Unemployment Compensation Employer Classification Amendment Act of 2019 would bring the District law into compliance with state law requirements set in the Federal Unemployment Tax Act by expanding the definition of employment and by permitting government entities and instrumentalities to make payments into the District Unemployment Fund. It also clarifies that any benefits payments made under the Federal Pandemic Unemployment Compensation (FPUC) law are not chargeable to employers. A hearing was held on Sept. 16, 2020, and the bill was approved by the Committee on Oct. 27, 2020.

B23-985, Unemployment Benefits Extension Amendment Act of 2020, would qualify District workers for additional weeks of unemployment insurance and pandemic unemployment assistance benefits under the extended benefits program. Emergency and temporary versions of the bill were passed by the Council, as well. A hearing was held on Nov. 16, 2020, and the bill was approved by the Committee on Nov. 19, 2020.

3. BUDGET SUPPORT ACT SUBTITLES

Each year, a Budget Support Act (BSA) includes legislation related to the budget passed. The following pieces of legislation were developed by the Committee and included in the BSAs.

Fiscal Year 2020 Budget Support Act of 2019 (L22-0033)

Title VI. Subtitle E. Student, Youth, and Learner Transit Subsidy Amendment Act of 2019, was introduced by the Mayor. The legislation made a number of changes to the District's transit subsidy programs, specifically Kids Ride Free, the foster care transit program, the Summer Youth Employment transit subsidy, and the adult learner transit program. The subtitle largely consolidated and condensed existing laws and removed sections of the laws that no longer are applicable. It also created new subsidy floors for both the SYEP and adult learner transit subsidies.

Title II. Subtitle O. East End and Opportunity Youth Careers Amendment Act of 2019 amended the District's Summer Youth Employment Program to allow opportunity youth not working or in school to participate in the for up to 12 weeks, double the standard program time, and to require some career exposure to apprenticeship programs in SYEP. The subtitle also raised the amounts some participants and supervisors in the program may be paid and required DOES to produce an annual report on the Summer Youth Employment Program by December 15th of every year. This subtitle also made changes to the DC Infrastructure Academy by limiting use of funds to training for occupations that pay at least 150 of the minimum wage on average, and requiring that grants and contracts be paid in part based on providers' performance outcomes. Finally, the subtitle increased work opportunity for in-school youth by requiring that two-thirds of local funds be used to serve the population, as two-thirds of federal funds must be used to serve out-of-school youth.

Title II. Subtitle I. Department of Employment Services Grants Transparency Amendment Act of 2019 amended DOES's grantmaking code by setting minimum timelines and advertising requirements to ensure a wide range of organizations have time to submit applications, ensuring integrity in the review process, and providing transparency around grant awards.

Title II. Subtitle J, Wage and Hour Education Grants Program Act of 2019, established a grant program to be administered by DOES for the purpose of educating District-based workers about their rights under District employment laws. Absent legislation, DOES first disbursed grant funds to community-based organizations for outreach purposes in FY 2018, it issued a new RFP in FY 2019, and it had funds budgeted for this activity in FY 2020. The subtitle set eligibility requirements for grantees and required that the outreach conducted with these funds is targeted to workers.

Title II, Subtitle K, Wage Tipped Wage Workers Fairness Clarification Amendment Act of 2019 clarified the informational content and reporting intervals for materials and websites that DOES must create to advise about the rights of tipped workers.

Title II, Subtitle P, DC Central Kitchen Grant Extension, extended the time for DC Central Kitchen to receive the second half of a \$1 million grant awarded by the Council in FY2019. To be eligible for the remainder of the grant, DC Central Kitchen must close on a new facility. This legislation provides DC Central Kitchen with more time to close on a new facility.

Fiscal Year 2021 Budget Support Act of 2020 (A23-407, Under Congressional Review)

Title I, Subtitle C, Revenue-Contingent Cost-of-Living Adjustment Act of 2020, proposed alternative language to the Mayor's proposed subtitle, which eliminated all cost-of-living adjustments (COLAs) for employees across covered agencies throughout the four-year financial plan. The Committee subtitle would ensure that COLAs for CBAs already entered into would be met should revenues become available.

Title II, Subtitle H, Healthcare Workforce Partnership Establishment Act of 2020 established and provided for the operation of a healthcare sector partnership in the District. The partnership will consist of healthcare employees and training providers who will work with an intermediary organization to facilitate training and hiring of District residents in the healthcare sector. This subtitle is especially relevant due to the two new taxpayer-funded hospitals currently planned for the District.

Title II, Subtitle I, DC Infrastructure Academy Employer Engagement Amendment Act of 2020 established Industry Advisory Communities at the DC Infrastructure Academy. The committees will support industry-specific training in the infrastructure and IT sectors and connect District residents with employment opportunities and careers in those fields.

Title II, Subtitle J, Workplace Leave Navigators Amendment Act of 2020 established a new grant program at the Office of Paid Family Leave at DOES. The grant program will provide funds to community based organizations to serve as guides, called navigators in this subtitle, for businesses and employees who have questions about the District's paid or job-protected leave programs.

Title II Subtitle K, School Year Internship Pilot Program Amendment Act of 2020 established a pilot program, the School Year Internships Pilot Program, that will provide 250 high school students with school-year paid internship in Spring 2021. The subtitle reflects a demand for internships that expand past the summer by students, community organizations, and witnesses at public hearings. The subtitle also requires that DOES annually publish certain information regarding youth programs under its authority.

Title II, Subtitle L, Unemployment Insurance Modernization Requirements Amendment Act of 2020 established deadlines and content requirements for the \$45 million dollar modernization of the District's Unemployment Insurance technology system. It required DOES to provide a "drop

box” at its headquarters so that workers who don’t have a computer and/or printer may file claims and complaints at DOES.

Title II, Subtitle M, District Government Transgender Employment Study Act of 2020 required the Mayor to conduct a study of the District’s employment hiring and retention of individuals who identify as transgender or non-binary.

Title II, Subtitle N, Tipped Wage Reporting Clarification Amendment Act of 2020 clarified the content of public-facing materials on tipped workers’ rights and established clear timetables for implementation. It also specified the contents of quarterly reports that third-party payroll businesses and hotel employers must file with DOES when these entities employ tipped workers.

Title II, Subtitle O, Universal Paid Leave Fund Amendment Act of 2020 restructured the funding mechanism for the administration and enforcement of the Universal Paid Leave Act (UPLA). The subtitle established two funds, the Universal Paid Leave Administration Fund and the Universal Paid Leave Enforcement Fund.

Title II, Subtitle P, Shared Work Compensation Program Clarification Amendment Act of 2020 adopted into permanent legislation previously enacted temporary Shared Work (Short Time Compensation) legislation passed by the Council in May 2020. The legislation conformed the District’s law to federal law and followed model legislation from the U.S. Department of Labor.

4. RESOLUTIONS

PR23-0059, Compensation and Working Conditions Collective Bargaining Agreement between the Office of the State Superintendent of Education, Division of Student Transportation and the American Federation of State, County, and Municipal Employees District Council 20, Local 1959, Approval Resolution of 2018_ approved of the above collective bargaining agreement providing various benefits and salary increases for Motor-vehicle operators (except those working at the 5th Street location) of 5 percent in FY 2018, 7 percent in FY 2019, and 9 percent in FY 2020. Bus attendants (except those working at the 5th Street Location) received salary increases of 3 percent in FY 2018, 2 percent in FY 2019, and 17.9 to 23.6 percent (depending on step level) in FY 2020. Motor vehicle operators and bus attendants at the 5th Street Location receive an hourly \$1.00 premium over other operators /bus attendants. It was deemed approved.

PR23-0151, Rulemaking for Paid Family Leave Collections Approval Resolution of 2019 approved a new chapter to the District of Columbia Municipal Regulations (DCMR) governing the amount and manner in which the Paid Leave taxes are paid. It was deemed approved.

PR23-0191, Collective Bargaining Agreement between the American Federation of Government Employees, Local 1403, Compensation Unit 34, and the Public Service Commission of the District of Columbia Approval Resolution of 2019 approved of the above collective bargaining agreement providing a 2.5 percent salary increase for FY 2018-FY2020 and one point increase for performance bonus potential. It was deemed approved.

PR23-0226, Compensation Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance, Child and Family Services Agency, the Department of Corrections and Fire and Emergency Medical Services Department (Compensation Unit 13) and the District of Columbia Nurses Association Approval Resolution of 2019 approved of the above collective bargaining agreement providing various benefits and salary increases of 3 percent in FY 2018, 2 percent in FY 2019, and 3 percent in FY 2020. It was deemed approved.

PR23-0234, Compensation Agreement between the District of Columbia Department of Behavioral Health and District of Columbia Nurses Association Approval Resolution of 2019 approved the above compensation agreement providing various benefits and salary increases of 3 percent for FY 2018, 2 percent for FY 2019, and 3 percent for FY 2020. It was deemed approved.

PR23-0252, Compensation Collective Bargaining Agreement between the Government of the District of Columbia and Doctors' Council of the District of Columbia Representing Compensation Unit 19 Approval Resolution of 2019 approved of the above collective bargaining agreement providing various benefits and salary increases of 2 percent in FY 2017, 3 percent in FY 2018, 2 percent in FY 2019, and 3 percent in FY 2020. It was deemed approved.

PR23-0278, Compensation Agreement between the Department of Behavioral Health and the Doctors' Council of the District of Columbia Approval Resolution of 2019 approved the collective bargaining agreement providing various benefits and salary increases of 2 percent in FY 2017, 3 percent in FY 2018, 2 percent in FY 2019, 3 percent in FY 2020, and a \$50,000 base salary increase in FY 2019. It was deemed approved.

PR23-0281, Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019 confirmed Dionna Lewis to be a member of the Office of Employee Appeals and was approved July 9, 2019.

PR23-0343, District Retirement Benefits Program Proposed Rulemaking Approval Resolution of 2019 approved regulations establishing an automatic enrollment and 5 percent savings level for new District employees under the Defined Contribution Plan and Deferred Compensation Plan. It was deemed approved.

PR23-0535, Apprenticeship Council Leroy Watson Confirmation Resolution of 2019 confirmed Leroy Watson to be a member of the Apprenticeship Council and was deemed approved.

PR23-0536, Apprenticeship Council Courtland Cox Confirmation Resolution of 2019 confirmed Courtland Cox to be a member of the Apprenticeship Council and was deemed approved.

PR23-0557, 2020 Unemployment Compensation Maximum Weekly Benefit Amount Increase Approval Resolution of 2019 approved the recommendation of the Director of the Department of Employment Services to increase the maximum weekly unemployment compensation benefit from \$432 to \$444. It was deemed approved.

PR23-0563, Public Employee Relations Board Peter Winkler Confirmation Resolution of 2019 confirmed Peter Winkler to be a member of the Public Employee Relations Board. It was approved on Feb 4, 2020.

PR23-0647, Rulemaking for Paid Family Leave Benefits Approval Resolution of 2020 approved a new chapter to the District of Columbia Municipal Regulations (DCMR) governing the payment of Paid Leave benefits to eligible individuals. It was deemed approved.

PR23-0777, District of Columbia Workforce Innovation and Opportunity Act Unified State Plan Approval Resolution of 2020 approved the above plan providing a coordinated workforce development system and services to residents and employers. It was deemed approved.

B. LEGISLATION NOT ENACTED

This section details all legislation not passed or deemed approved by the Committee. It includes bills reported out by the Committee but not acted on by the Council, withdrawn bills, and bills with language ultimately incorporated into another piece of legislation.

1. BILLS

B23-0092, Grocery Store Development Projects Labor Peace Agreement Amendment Act of 2019, would extend the requirement for labor peace agreements to grocery store development projects.

B23-436, First Source Community Accountability Amendment Act of 2019, would make updates and reforms to the First Source law, to provide the public with more information on projects and outcomes. The First Source law requires contractors with District government to hire minimum numbers of District residents for the contract work, to ensure District residents have opportunity for employment on taxpayer-funded contracts. The bill would make much more accessible and transparent to the public First Source project locations, employment opportunities, and numbers of DC residents hired. This bill would require that the Department of Employment Services (DOES), which is tasked with First Source enforcement, post online a list of active First Source projects as well as copies of associated employment agreements and plans; to send project information to the advisory neighborhood commission (ANC) in which projects are located; and to file quarterly public reports to show the status and outcomes of every project. The bill would also require that any special agreements outside the regular hiring requirements of First Source be developed and finalized before the project begins. At the time of this report vote, a hearing was scheduled for November 19, 2020.

B23-570, First Source Resident Employment Amendment Act of 2019, would make improvements to the First Source law to increase the number of qualified District residents working on First Source projects, particularly for higher-skill jobs; improve the Department of Employment Services' assistance to First Source contractors; and remove certain reporting requirements for contractors. Specifically, the bill would allow employers to meet hiring requirements by promoting existing District-resident employees into higher-skilled positions; grant community-based organizations (CBOs) explicit authority to help identify, vet, and refer candidates for First Source projects; require that the existing workforce intermediary job training program, which is funded by fines paid by First Source contractors, be used to train DC residents exclusively for First Source projects; require DOES to proactively help employers meet hiring requirements under two special provisions; require DOES's business engagement unit to develop specific standard operating procedures for their First Source work; and eliminate the requirement for contractors to submit their monthly direct and indirect labor costs. At the time of this report vote, a hearing was scheduled for November 19, 2020.

B23-266, Prohibition of Marijuana Testing Act of 2019, would prohibit marijuana testing as a condition of employment unless required by law. A hearing was held on Sept. 25, 2019.

B23-364, Equitable Evaluations for D.C. Public School Employees Amendment Act of 2019 would require the District of Columbia Public Schools employees' evaluation process be subject to collective bargaining, and prohibits DCPS from penalizing any employee represented by a union, outside of the collective bargaining agreement guidelines.

B23-395, First Responder Legacy Preference Amendment Act of 2019 would award a 10-point legacy hiring preference to an applicant for District government employment at the Metropolitan Police Department or Fire and Emergency Medical Services Department whose parent or grandparent was also employed by the agency to which the applicant is applying and who died in the performance of duty.

B23-0400, Marion S. Barry Summer Youth Employment Program Creditable Service Benefit Amendment Act of 2019 would establish that participation in the Marion S. Barry Summer Youth Employment Program will contribute to creditable service for purposes of retirement for a participant meeting the specified requirements who become a District government employee.

B23-442, Domestic Workers Protection Act of 2019 would extend labor and employment protections to domestic workers who perform work in and about private households in D.C. Domestic workers include an individual paid by hiring entities and provides domestic services to an individual or household in or about the private home, who is compensated for the performance of domestic services. It also would provide community-based education, outreach, and enforcement of domestic workers' labor and employment rights.

B23-536, Veterans Employment and Training Study Act of 2019 would require the Department of Employment Services to conduct a comprehensive study of veterans' employment in the District of Columbia.

B23-603, Senior Employment Tax Credit Amendment Act of 2020 would establish a tax credit not to exceed \$2000 to create incentives for certified business and small business enterprises to hire senior citizens. The Council must reauthorize the use of this tax incentive annually.

B23-605, Equitable Employment in High Displacement Risk Zone Initiative Act of 2020 would establish an initiative to create employment opportunities for District residents in high displacement risk zones for a career with an average median wage of at least \$56,000 by training residents and assisting with job placement. Careers include paralegals, computer networking support specialists, emergency medical technicians and paramedics.

B23-658, Quick Hire Amendment Act would authorize the non-competitive hiring of qualified individuals to “quick-hire eligible positions” within the Career, Educational and Management Supervisory Services. The Mayor would be authorized to designate additional positions, with severe shortages of candidates, based on criteria.

B23-664, Access to Jobs Amendment Act would establish a 2 year pilot program providing District employers with financial incentives to hire returning citizens.

B23-722, Department of Human Services Personnel Authority Amendment Act would grant the Department of Human Services with independent personnel authority.

B23-960, Employment of Minors Amendment Act of 2020, would amend the District’s youth employment permit law to transfer the program to DOES and require DOES to establish and maintain an online application system for parents, guardians, and students to apply for work permits..

B23-975, Apprenticeship Procurement Incentive Amendment Act of 2020, would amend the District’s apprenticeship law to create an incentive in the procurement process for prime contractors with the District of Columbia government who register and administer apprenticeship programs when the program is not otherwise required or who agree to a heightened requirement that 70% of all apprenticeship hours performed be performed by District residents.

B23-989, Fair Wage Amendment Act of 2020, would amend the Wage Transparency Act of 2014 to prohibit an employer from screening prospective employees based on their wage history or seeking their wage history.

2. BUDGET SUPPORT ACT SUBTITLES

Title II, Subtitle X, Universal Paid Leave Amendment Act of 2019 clarified eligibility requirements under the Universal Paid Leave Amendment Act of 2016 by: (1) permitting individuals who are not currently employed to collect paid leave benefits and (2) restricting the Mayor from denying claims to those individuals based solely on their employment status. Specifically, this subtitle amends D.C. Code § 32-541.04 to explicitly state that individuals who are not currently employed may submit a claim for paid leave benefits as provided under the law, if that individual would have otherwise been eligible to collect. This subtitle also amended D.C. Code § 32-541.06 to restrict the Mayor from denying a claim from an individual solely because of that person’s employment status. This subtitle was not included in the final BSA.

2. RESOLUTIONS

PR23-0539, Public Employee Relations Board Harriet Segar Confirmation Resolution of 2019 was introduced and withdrawn by Chairman Mendelson on behalf of the Mayor.

PR23-0785, Collective Bargaining Agreement between the University of the District of Columbia and the University of the District of Columbia Faculty Association/National Education Association Approval Resolution of 2020, had its Council review period tolled pursuant to Bill 23-733, the COVID-19 Response Supplemental Emergency Amendment Act of 2020.

V. COMMITTEE HEARINGS AND ROUNDTABLES

January 29, 2019	Public Oversight Roundtable, HR23-0043 Implementation of Law 21-264, The Universal Paid Leave Act of 2016
February 14, 2019	Performance Oversight Hearing, HR23-0094 Public Employee Relations Board Office of Employee Appeals
February 21, 2019	Performance Oversight Hearing, HR23-0075 Department of Human Resources Office of Labor Relations and Collective Bargaining
February 27, 2019	Performance Oversight Hearing (Public Witnesses), HR23-0078 Department of Employment Services Workforce Investment Council
March 1, 2019	Performance Oversight Hearing (Government Witnesses), HR23-0077 Department of Employment Services Workforce Investment Council
April 5, 2019	Budget Oversight Hearing, HR23-0093 Public Employee Relations Board Office of Employee Appeals
April 9, 2019	Public Roundtable PR23-0191, Collective Bargaining Agreement between the American Federation of Government Employees, Local 1403, Compensation Unit 34, and the Public Service Commission of the District of Columbia Approval Resolution of 2019
April 10, 2019	Budget Oversight Hearing, HR23-0076 DC Department of Human Resources Office of Labor Relations and Collective Bargaining
April 10, 2019	Public Roundtable PR23-0226, Compensation Collective Bargaining Agreement between the District of Columbia Department of Health, Department of Youth Rehabilitation Services, Department on Disability Services, Department of Health Care Finance,

Child and Family Services Agency, the Department of Corrections and Fire and Emergency Medical Services Department (Compensation Unit 13) and the District of Columbia Nurses Association Approval Resolution of 2019

April 22, 2019	Budget Oversight Hearing (Public Witnesses), HR23-0092 Department of Employment Services Workforce Investment Council
April 24, 2019	Budget Oversight Hearing (Government Witnesses), HR23-0091 Department of Employment Services Workforce Investment Council
May 6, 2019	Public Oversight Roundtable, HR23-0090 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
June 5, 2019	Public Roundtable PR23-281, Office of Employee Appeals Dionna Lewis Confirmation Resolution of 2019
July 1, 2019	Public Hearing B23-133 Supporting Essential Workers Unemployment Insurance Amendment Act of 2019
July 11, 2019	Public Oversight Roundtable, HR23-0043 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
September 25, 2019	Public Hearing B23-0266, Prohibition of Marijuana Testing Act of 2019 B23-0309, Medical Marijuana Program Patient Employment Protection Amendment Act of 2019
October 16, 2019	Public Oversight Roundtable, HR23-0131 Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
October 30, 2019	Public Oversight Roundtable, HR23-0130 A Review of the Department of Employment Services' Workforce Development Programs: Local Adult Training and the DC Infrastructure Academy
November 21, 2019	Public Oversight Roundtable, HR23-0132 A Review of the Department of Employment Services' Workforce Development Programs: Project Empowerment and DC Career Connections
December 4, 2019	Public Hearing B23-531, Collective Bargaining Fair Compare Amendment Act of 2019
December 6, 2019	Public Hearing

B23-494, Ban on Non-Compete Agreements Amendment Act of 2019

December 11, 2019	Public Roundtable PR23-539, Public Employee Relations Board Harriet Segar Confirmation Resolution of 2019 PR23-563, Public Employee Relations Board Peter Winkler Confirmation Resolution of 2019
January 9, 2020	Joint Public Hearing with Committee on Facilities & Procurement B23-471, Independent Compliance Office Establishment Act of 2019
January 30, 2020	Public Oversight Roundtable Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016 PR23-647, Rulemaking for Paid Family Leave Benefits Approval Resolution of 2020
February 21, 2020	Performance Oversight Hearing Department of Human Resources Office of Labor Relations and Collective Bargaining
March 4, 2020	Performance Oversight Hearing (Public Witnesses) Department of Employment Services Workforce Investment Council
March 6, 2020	Performance Oversight Hearing (Government Witnesses) Department of Employment Services Workforce Investment Council
May 28, 2020	Budget Oversight Hearing (Public Witnesses) Agencies under Purview
June 4, 2020	Budget Oversight Hearing (Government Witnesses) Department of Employment Services
July 9, 2020	Public Oversight Roundtable Implementation of Law 21-264, The Universal Paid Leave Amendment Act of 2016
September 16, 2020	Public Oversight Hearing (Public Witnesses) The District's Unemployment Compensation Program During the COVID-19 Pandemic B23-500, The Unemployment Compensation Employer Classification Amendment Act of 2019
September 30, 2020	Public Oversight Hearing (Government Witnesses) The District's Unemployment Compensation Program During the COVID-19 Pandemic B23-500, The Unemployment Compensation Employer Classification Amendment Act of 2019
October 26, 2020	Public Oversight Roundtable

VI. COMMITTEE ACTION

On November 19, 2020, the Committee on Labor and Workforce Development met to consider the Council Period 23 Report of the Committee on Labor and Workforce Development Activities. The meeting was called to order at 10:07a.m. The Report was the fourth item on the agenda. After ascertaining a quorum (Chairperson Silverman and Councilmembers Charles Allen, Kenyan McDuffie, David Grosso, and Robert White), Chairperson Silverman made a statement outlining the contents of the report. The Committee voted unanimously to approve the Report.