ATTACHMENT B. BUDGET SUPPORT ACT SUBTITLES LEGISLATIVE TEXT

SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS

Sec. 1031. Short title.

This subtitle may be cited as the "Revenue-Contingent Cost-of-Living Adjustment Act of 2020".

Sec. 1032. Definitions.

For the purposes of this subtitle, the term:

(1) "CMPA" means the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq.*).

(2) "Covered agency" means an agency, office, or instrumentality of the District government and independent agencies, as defined in section 301(13) of the CMPA, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-603.01(13)), except that the term "covered agency" does not include the District of Columbia Housing Authority, District of Columbia Housing Finance Agency, District of Columbia Water and Sewer Authority, Not-for-Profit Hospital Corporation, the Board of Trustees of the University of the District of Columbia, or the Washington Convention and Sports Authority.

(3) "Negotiated salary schedule" means a salary schedule specified in a collective bargaining agreement.

(4) "Negotiated salary, wage, and benefits provision" means the salary and benefits provided in a collective bargaining agreement.

(5) "Personnel authority" shall have the same meaning as set forth in section 301(14) of the CMPA, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01(14)).

Sec. 1033. Freeze on cost-of-living adjustments and maintenance of Fiscal Year 2020 salary schedules and benefits.

(a) Notwithstanding any other provision of law, rule, collective bargaining agreement, memorandum of understanding, side letter, or settlement, whether specifically outlined or incorporated by reference, except as provided in section 1034:

(1) No employee of a covered agency may receive a cost-of-living adjustment during the period from October 1, 2020, through September 30, 2024; provided, that during such time, the Mayor or appropriate personnel authority shall negotiate with labor organizations for covered employees in a collective bargaining unit pursuant to title XVII of the CMPA, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.01 *et seq.*), and may provide cost-of-living adjustments to covered employees in a collective bargaining unit or to other covered employees as revenues permit; and

(2) All Fiscal Year 2020 salary schedules of covered agencies shall be maintained during Fiscal Years 2021 through 2024; provided, that during such time, the Mayor or appropriate personal authority shall negotiate with labor organizations for covered employees in a collective bargaining unit pursuant to title XVII of the CMPA, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-617.01 *et seq.*), and may provide increases in negotiated salary, wage, and benefits provisions and negotiated salary schedules to covered employees in a collective bargaining unit or to other covered employees as revenues permit.

(b) To the extent authorized by the CMPA or other applicable law to issue rules to administer the salary or benefits program of a covered agency, the personnel authority for a covered agency may, pursuant to Title I of the District of Columbia Administrative Procedure

Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules to implement this subtitle.

Sec. 1034. Revised revenue contingency.

Notwithstanding any other provision of law, the portion of the local recurring revenues certified in the August 2020 or later revised revenue estimate for Fiscal Year 2021 that exceeds the annual revenue estimate incorporated in the approved budget and financial plan for Fiscal Year 2021 shall be deposited in the Workforce Investment account and allocated in the following order of priority:

(1) An amount sufficient, up to $35 million, shall be allocated to satisfy the Fiscal Year 2021 negotiated salary adjustments provided for covered employees in the bargaining units covered by the collective bargaining agreements approved pursuant to the Interest Arbitration Award and Collective Bargaining Agreement between the District of Columbia Public Schools and the Office of the State Superintendent of Education and the American Federation of State, County and Municipal Employees, District Council 20, Local 2921, AFL-CIO Emergency Approval Resolution of 2020, effective March 3, 2020 (D.C. Res. 23-374; 67 DCR 2735), and the Compensation Collective Bargaining Agreement between the District of Columbia Government and Compensation Units 1 and 2, FY 2018-FY2021, Approval Resolution of 2018, deemed approved February 23, 2018 (P.R. 23-378; 67 DCR ___), ("agreements"); provided, that if amounts certified in a single revenue estimate are insufficient to satisfy the total combined value of the negotiated salary adjustments under both agreements, the Mayor or appropriate personnel authority shall negotiate with the affected bargaining units to determine the schedule of payment.

(2) Any remaining revenues shall be allocated, at the Mayor's discretion, to provide cost-of-living salary adjustments to the employees of covered agencies who did not receive cost-of-living salary adjustments pursuant to paragraph (1) of this section; provided, that any such adjustments comply with the CMPA's requirements for establishing employee compensation, including any requirements for Council approval.

Sec. 1035. Applicability.

This subtitle shall apply as of July 31, 2020.

SUBTITLE ___. HEALTHCARE WORKFORCE PARTNERSHIP

Sec. 1XX1. Short title.

This subtitle may be cited as the "Healthcare Workforce Partnership Establishment Act of 2020".

Sec. 1XX2. Definitions

(1) "HWI grant" means the grant awarded to the Intermediary pursuant to section 3.

(2) "Intermediary" means the entity selected to be the Healthcare Workforce Intermediary pursuant to section 3.

(3) "Partnership" means the Healthcare Workforce Partnership established pursuant to section 5.

(4) "Training" means occupational skills training for occupations in the healthcare sector.

(5) "WIOA" means the Workforce Innovation Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. 3101 *et seq.*).

(6) "WIC" means the Workforce Investment Council.

Sec. 1XX3. Establishment of a Healthcare Workforce Intermediary.

(a)(1) By December 1, 2020 the WIC shall select, through award of a grant, the Healthcare Workforce Intermediary to establish, convene, and assist the Healthcare Workforce Partnership.

(2) Consistent with Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the WIC shall issue multi-year grants for a period of 4 years, subject to the availability of funds.

(b) The entity selected to be the Intermediary shall:

(1) Be a non-profit organization, industry association, or community-based organization; and

(2) Have a proven track record of success convening healthcare sector employers or have a significant role in the healthcare sector;

(3) Have existing relationships with training providers; and

(4) Have a proven track record of successful fundraising.

(d) Over the course of the HWI grant, the WIC shall:

(1) Provide technical assistance to the Partnership through the Intermediary, which may include:

(A) Assisting the Partnership in obtaining data and information from District agencies;

(B) Providing the Partnership with customized labor market and economic analysis;

(C) Providing the Partnership with education and guidance on WIOA; and

(D) Providing the Partnership with information on the number of District residents that training providers have the capacity to train in healthcare occupations;

(2) Submit, to the Partnership for feedback, the proposed statement of work for any grant solicitation for the provision of training at least 30 days before issuing the request for proposals; and

(3) Use the Partnership's Healthcare Occupations Reports to align District government funded workforce development training with current and future healthcare sector hiring needs in the District.

Sec. 1XX4. Intermediary duties.

The Intermediary shall:

(1) By July 1, 2021:

(A) Appoint members to the Partnership consistent with the criteria specified in section 1XX5(b)(3);

(B) Convene at least 4 Partnership meetings;

(C) Compose and transmit to the WIC the Partnership's first Healthcare Occupations Report, described in section 1XX5(e);

(2) For the duration of the grant:

(A) Provide administrative support to the Partnership;

(B) Convene Partnership meetings at least quarterly;

(C) Compile and transmit to the WIC feedback from the Partnership on any statement of work for a proposed grant solicitation for the provision of training no more than 15 days after receiving the statement of work pursuant to section 1XX3(d)(2);

(D) Work with the Partnership to coordinate and ensure provision of career coaching, screening and referral services, practice interviews, and job fairs for healthcare sector employment for qualified District training graduates;

(E) Facilitate requests for professional development and learning opportunities for training providers and training participants at healthcare facilities;

(F) Annually, compose and transmit the Partnership's Healthcare Occupations Report, described in section 1XX5(e); and

(G) Perform additional duties on behalf of the Partnership consistent with the purposes of this subtitle and as funds permit; and

(3) During the fourth year of the HWI grant, raise private funds equal to the value of the HWI grant for that year, which the Intermediary shall reserve for use until after the expiration of the HWI grant in order to sustain the Partnership without dedicated District government funding.

Sec. 1XX5. Healthcare Workforce Partnership.

(a)(1) The Intermediary shall establish the Healthcare Workforce Partnership, which shall work to increase the number of District residents employed in the healthcare sector and to meet the staffing needs of District healthcare employers, particularly of hospitals that receive District government funds.

(b)(1) The Director of the WIC, or his or her designee, shall serve as a member of the Partnership.

(2) The Intermediary shall serve as a member of the Partnership, and shall appoint community members in consultation with the WIC.

(3) Community members, the majority of which shall be healthcare sector employers, shall consist of the following:

(A) At least 5 employer representatives of the District's healthcare sector, which shall represent a variety of healthcare disciplines;

(B) At least one representative of a healthcare industry trade association;

(C) At least one representative from a labor organization that represents healthcare workers;

(D) At least one representative from an non-profit organization that offers training programs; and

(E) At least one representative from an adult education integrated education and training program, as defined in 34 C.F.R. § 463.35, in the healthcare sector.

(c) Community members shall serve for the duration of the HWI grant and may be reappointed.

(d) The Partnership shall meet at least each quarter for the duration of the HWI grant;

(e) No later than July 1, 2021, and annually thereafter in advance of the start of a new fiscal year, the Partnership shall submit to the WIC, through the Intermediary, its Healthcare Occupations Report, which shall contain the following:

(1) Recommendations of 3 to 5 healthcare occupations requiring less than a bachelor's degree, which may include occupations for which incumbent workers may be upskilled, in which the District should invest in training;

(2) A summary of the occupational hiring needs of hospitals receiving or committed to receive District government funds, including an estimate of the number of workers needed, disaggregated by healthcare occupation;

(3) A recommendation on the number of District residents the WIC should train in the occupations identified pursuant to paragraph (1) of this subsection;

(4) A list of occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;

(5) Recommendations of curricula for training in occupations identified pursuant to paragraph (1) of this subsection;

(6) An explanation of the feasibility of providing virtual training or distance learning, and recommendations to implement virtual training.

(7) Customized healthcare career pathway maps for the occupations identified pursuant to paragraph (1) of this subsection;

(8) Recommendations of strategies and tactics to increase the capacity of training providers to train District residents; and

(9) Recommendations to attract District resident to, and retain District residents in, occupations identified pursuant to paragraph (1) of this subsection, including necessary tactics to increase candidates' hard and soft skills and to reduce barriers to employment.

Sec. 1XX6. Establishment of a healthcare training program.

(a) By September 1, 2021, the WIC shall establish a healthcare training program ("program") to fund or arrange for training of District residents in a minimum of 2 healthcare occupations identified in the Partnership's first Healthcare Occupations Report ("report"), issued pursuant to section 1XX5(e)(1), which may include one occupation for upskilling of incumbent workers.

(b) To provide training, the WIC may:

(1) Issue healthcare training grants ("grants") to train providers, pursuant to section 4(c) of the Workforce Investment Implementation Act of 2000, effective July 18, 2000 (D.C. Law 13-150; D.C. Official Code § 32-1603(c)); or

(2) Partner with the University of the District of Columbia Community College or Office of the State Superintendent of Education.

(c)(1) If the program includes a grant, subject to availability of funds, each grant shall be for not less than $100,000 per year for 3 years to provide training for District residents.

(2) To be eligible for a grant, a grantee shall:

(A) Be licensed by the Higher Education Licensure Commission as a post-secondary institution, degree or non-degree seeking;

(B) Agree to utilize the training curricula recommended by the Partnership pursuant to section 1XX5(e)(5); and

(C) Demonstrate consistent successful attainment of the following benchmarks for its training participants:

(i) Completion of training;

(ii) Credential attainment;

(iii) Unsubsidized employment in the occupation of training; and

(iv) Retention of employment for 6 months or longer in the occupation of training.

3) Preference shall be given to grant applicants utilizing an integrated education and training model, as defined 34 C.F.R. § 463.35.

(d)(1) The WIC shall utilize WIOA common performance measures to track program performance.

(2) The WIC shall report on the performance of the program as required by section 102 of the Workforce Development System Transparency Amendment Act of 2018, effective May 5, 2018 (D.C. Law 22-95; D.C. Official Code § 32-1622).

(e) The WIC shall make its best effort to use WIOA Title I funds to issue any grants authorized in this section.

Sec. 1XX7. Monitoring and evaluation.

By August 1, 2021, and annually thereafter, the WIC shall transmit to the Mayor and the Council the Healthcare Occupation Report developed by the Partnership pursuant to section 1XX5(e).

SUBTITLE ___. DC INFRASTRUCTURE ACADEMY EMPLOYER ENGAGEMENT

Sec. 1XX1. Short title.

This subtitle may be cited as the "DC Infrastructure Academy Employer Engagement Amendment Act of 2020".

Sec. 1XX2. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 32-241) is amended as follows:

(1) A new subsection (1A) is added to read as follows:

"(1A) "Committees" means the Industry Advisory Committees established pursuant to section 2f.".

(2) A new subsection (2A) is added to read as follows:

"(2A) "DCIA" means the DC Infrastructure Academy established by the Mayor.".

(b) Section 2a(a-2) (D.C. Official Code § 32-242(a-2)) is repealed.

(c) New sections 2e and 2f are added to read as follows:

"Sec. 2e. DC Infrastructure Academy.

"(a) In addition to duties the Mayor prescribes, the DCIA shall:

"(1)(A) Provide occupational skills training ("skills training") annually in the construction, infrastructure, and information technology industries.

"(B) DCIA may provide skills training in additional industries for which there is significant demand regionally or by a major employer.

"(2) Provide occupational skills training designed to meet the needs of employers by:

"(A) Aligning skills training with the annual recommendations the Committees submit to DCIA pursuant to section 2f(c);

"(B)(i) Submitting a proposed curriculum, at least 30 calendar days prior to the start of any skills training taught by DCIA staff, to the relevant Committee for its feedback; and

"(ii) Implementing any skills trainings taught by DCIA staff consistent with any feedback received from a Committee;

(C)(i) Submitting to the relevant Committee, at least 30 calendar days before soliciting applications or bids on a grant or contract to provide skills training, a request that the Committee review a grant or contract solicitation's proposed scope of work;

"(ii) Preparing statements of work for grants and contracts to provide skills training that are consistent with any feedback received from a Committee;

(D) For any customized skills training provided specifically for a particular employer, seeking input from the employer consistent with the requirements outlined in subparagraphs (B) and (C) of this paragraph.

"(3) Provide test preparation sessions and practice exams to ready participants to obtain the occupational credentials the Committees identify in their annual reports pursuant to section 2f(c)(4); and

"(4) Provide job referrals, as defined in 20 C.F.R. § 651.10, to employers in the industry sectors identified in paragraph (1) of this subsection for all qualified graduates of DCIA training programs.

"(b) DCIA skills training may include:

"(1) Training services enumerated in section 134(c)(3)(D) of the Workforce Innovation and Opportunity Act of, approved July 22, 2014 (128 Stat. 1529; 29 U.S.C. § 3174(c)(3)(D));

"(2) Supportive services, as defined in 20 C.F.R. § 651.10;

"(3) Integrated education and training, as defined in 34 C.F.R. § 463.35;

"(4) Workforce preparation activities, as defined in 34 C.F.R. 463.34; and

"(5) Job development, as defined in 20 C.F.R. § 651.10.

"(c)(1) At least 66% of the participants receiving skills training through the DCIA each fiscal year shall be trained in occupations that pay an average wage that is at least 150% of the minimum wage specified in section 4 of the Minimum Wage Act Revision Act of 1992, effective March 25, 1993 (D.C. Law 9-248; D.C. Official Code § 32-1003).

"(2) At least 25% of the value of each grant or contract with a skills training provider shall be contingent on the provider achieving at least one of the following results:

"(A) At least 75% of the provider's participants receive an industry-recognized credential; and

"(B) At least 80% of the provider's participants enter permanent, unsubsidized employment in the occupation of training.

"Sec. 2f. Industry Advisory Committees.

"(a)(1) The Director shall establish Industry Advisory Committees ("Committees") to advise DCIA on occupational skills training offerings with the goal of aligning DCIA's trainings with industry hiring needs.

"(2) There shall be one committee per industry sector in which DCIA offers occupational skills training pursuant to section 2e(a)(1).

"(3) Each Committee shall consist of representatives of at least 2 employers from the relevant industry sector, whom the Director shall appoint.

"(4)(A) The Director shall make initial appointments to the Committees within 30 days of the effective date of this subtitle.

"(B) Committee members shall disclose all existing and potential conflicts of interest to the Director. No committee member may, in any manner, directly or indirectly, participate in a deliberation upon, or the determination of, any question affecting the financial interest of any corporation, partnership, or association in which the member or a member of the member's family is directly or indirectly interested. Committee members shall disclose the nature of any financial or personal relationships with any training providers by completing a conflict of interest form.

"(b) No later than December 15, 2020, and annually thereafter in advance of the start of a new fiscal year, each Committee shall submit written recommendations to DCIA, which shall contain the following:

"(1) Recommendations of 2 to 4 specific occupational skills trainings DCIA should offer;

"(2) Number of District residents DCIA should train in the occupations identified pursuant to paragraph (1) of this subsection;

"(3) Occupational skills required to obtain employment in the occupations identified pursuant to paragraph (1) of this subsection;

"(4) A description of tools, equipment, and services necessary to conduct trainings to acquire the skills identified in paragraph (3) of this subsection;

"(5) Industry-recognized credentials required for obtaining employment in the occupations identified pursuant to paragraph (1) of this subsection, when appropriate; and

"(6) The feasibility of providing virtual training or distance learning and recommendations to implement virtual training.

"(c) After receiving a proposed training curriculum from the DCIA pursuant to section 2e(a)(2)(B)(i), a Committee shall provide the DCIA with a written explanation of recommended modifications, if any.

"(d) Within 30 calendar days after receiving a proposed scope of work for a grant or contract from DCIA pursuant to section 2e(a)(2(C)(i), the Committee shall provide DCIA with a written explanation of recommended modifications, if any.".

SUBTITLE ___. WORKPLACE LEAVE NAVIGATORS

Sec. 1XX1. Short title.

This subtitle may be cited as the "Workplace Leave Navigators Program Establishment Amendment Act of 2020".

Sec. 1XX2. Definitions.

For the purposes of this subtitle, the term:

(1) "Family and medical leave" means leave available under the District of Columbia Family and Medical Leave Act of 1990, effective October 3, 1990 (D.C. Law 8-181; D.C. Official Code § 32-501 *et seq.*).

(2) "Director" means the director of DOES.

(3) "DOES" means the Department of Employment Services.

(4) "Paid sick leave" means leave available under the Accrued Sick and Safe Leave Act of 2008, effective May 13, 2008 (D.C. Law 17-152; D.C. Official Code § 32-531.01 *et seq.*).

(5) "Universal paid leave" means leave benefits available under the Universal Paid Leave Amendment Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).

(6) "Workplace leave" means universal paid leave, paid sick leave, family and medical leave, or any other job-protected leave to which an individual may be entitled under federal or District law.

Sec. 1XX3. Workplace Leave Navigators Program.

(a) There is established a Workplace Leave Navigators Program ("Program"), which the Director shall administer.

(b) The Program shall be funded with monies from the Universal Paid Leave Administration Fund, established pursuant to section 1153 of the Universal Paid Leave Implementation Fund Act of 2016, passed on 1st reading on July 7, 2020 (Engrossed version of Bill 23-760).

(c) The Program shall provide funds to:

(1) Worker and employee advocacy organizations with demonstrated experience representing employees in matters related to workplace leave for the purpose of assisting individuals in obtaining workplace leave and benefits; and

(2) Nonprofit organizations, businesses, or professional or trade associations with experience representing or assisting employers with the administration or understanding of workplace leave laws for the purpose of providing assistance to employers to share best practices or guidance regarding how to coordinate and accommodate different types of workplace leave, along with employer-sponsored disability plans.

(d)(1) To be eligible to receive Program funds pursuant to subsection (c)(1) of this section, an applicant for Program funds must submit 3 letters of recommendation from District-based worker advocacy organizations.

(2) To be eligible to receive Program funds pursuant to subsection (c)(2) of this section, an applicant for Program funds must submit 3 letters of recommendation from District-based business advocacy or membership organizations.

(e) Program funds issued to worker and employee advocacy organizations for the purposes described in subsection (c)(1) of this section:

(1) Shall be used to assist individuals with:

(A) Filing an initial claim for universal paid leave;

(B) Determining the type of workplace leave for which an individual may be eligible;

(C) Filing an administrative complaint related to the provision of workplace leave, including a complaint of retaliation;

(D) Responding to or appealing an initial administrative decision or determination related to workplace leave; or

(E) Providing an employer with appropriate documentation supporting a request for workplace leave; and

(2) May be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws pertaining to documentation supporting the need for leave.

(f) Funds for the Program may not be used to prosecute or defend claims in a lawsuit related to the provision of workplace leave.

(g)(1) The Director shall issue Program funds through competitive grants administered pursuant to the requirements set forth in the Grant Administration Act of 2013, effective December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and section 2(b-1) of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23, 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05(b-1)).

(2) The Director shall issue an initial Request for Applications no later than October 31, 2020, and annually thereafter. The Director may issue multi-year grants, subject to the availability of appropriations.

(3) In a fiscal year, the total amount of grants the Director issues for the purposes described in subsection (c)(1) of this section shall be at least twice the amount of grants issued for the purposes described in subsection (c)(2) of this section.

SUBTITLE __. SCHOOL YEAR INTERNSHIP PILOT PROGRAM AND YOUTH REPORTING

Section 1XX1. Short title.

This subtitle may be cited as the "School Year Internship Pilot Program Amendment Act of 2020".

Section 1XX2. Section 2a(a) of the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-242(a)), is amended by adding a new paragraph (2A) to read as follows:

"(2A) School year internship pilot. — In Fiscal Year 2021, a pilot program called the School Year Internship Pilot Program ("Program") for 250 District high school students to provide work-based learning opportunities during the school year.

"(A)(i) Students from District high schools, including public schools, public charter schools, and private schools, who are not otherwise participating in an internship, in-school youth employment, or a work readiness program may apply to the Department of Employment Services ("DOES") to be matched with an internship host through the Program.

"(ii) DOES shall give the applications of at-risk students priority over all other applications.

"(iii) For the purposes of this subparagraph the term "at-risk" means a public school, public charter school, or private school student who is identified as one or more of the following:

"(I) Homeless;

"(II) In the District's foster care system;

"(III) Qualifies for the Temporary Assistance for the Needy Families program or the Supplemental Nutrition Assistance Program; or

"(IV) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.

"(B) DOES shall notify students of their placement with an internship host by January 5, 2021.

"(C) Interns shall work for their internship host between January 2021, and June 2021.

"(D) DOES shall pay interns a training rate of $10 per hour, which it shall pay by way of a debit card provided to the intern or direct deposit.

"(E)(i) Internship hosts may be non-profit organizations, public schools or public charter schools, government agencies, or private businesses.

"(ii) Prospective internship hosts shall submit applications to participate in the Program no later than December 1, 2020. The application shall include a detailed job description that identifies specific tasks, projects, or duties that the intern will perform and the name and job title of the individual who will directly supervise the intern.

"(iii) DOES shall review internship host applications, and shall give priority to applications that will engage an intern in work experience activities, rather than work readiness activities, for the majority of an intern's time.

"(F) DOES shall implement the Program through public-private partnerships between the District government and an internship host that has the ability to employ youth under the Program, subject to all federal and District laws, rules, and regulations relating to the procurement and award of contracts, grants, or other government assistance.

"(G)(i) DOES shall develop benchmarks for interns' growth and development in work readiness, which internship hosts shall utilize to assess an intern's work readiness.

"(ii) An internship host shall provide its written assessment of an intern's work readiness to DOES within 30 days after the end of the internship.".

Sec. 1XX3. The Department of Employment Services Local Job Training Quarterly Outcome Report Act of 2012, effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 32–771) is amended by adding a new section 2083 to read as follows:

"Sec. 2083. Department of Employment Services annual report on year-round youth programs.

"(a) Starting December 15, 2020, and annually thereafter, the Department of Employment Services ("Department") shall publish on its website and submit to the Council a report on the operations of its year-round youth programs, including:

"(1) The In-School Youth Program;

"(2) The Out-of-School Youth Program;

"(3) The Marion Barry Youth Leadership Institute;

"(4) Pathways for Young Adults Program;

"(5) Youth Earn and Learn Program;

"(6) The High School Internship Program;

"(7) In-school Youth Innovation Grants; and

"(8) In-school DCHR internship program.

"(b) The report shall include the following information for each program from the previous fiscal year:

"(1) The number of participants newly enrolled;

"(2) The total number of participants, disaggregated by ward, grade, school, age and, if known, at-risk status;

"(3) Each program's total expenditures, disaggregated by fund type (federal, local, Intra-district, or Special Purpose Revenue funds); and

"(4) The names of any vendors, grantees, host employers (including public schools and public charter schools for the High School Internship Program), host sites, or other organizations providing services to youth.

"(c) The Department may withhold from the report required pursuant to subsection (b) of this section any information precluded from release by federal law, rule, or policy; provided that, if at a later time, such information may be released, the Department shall supplement the next annual report following the date on which the information may be shared with the withheld information.

"(d) For the purposes of this section, the term "at-risk" means a public school, public charter school, or private school student who is identified as one or more of the following:

"(1) Homeless;

"(2) In the District's foster care system;

"(3) Qualifies for the Temporary Assistance for the Needy Families program or the Supplemental Nutrition Assistance Program; or

"(4) A high school student that is one year older, or more, than the expected age for the grade in which the student is enrolled.".

SUBTITLE ___. UNEMPLOYMENT INSURANCE MODERNIZATION REQUIREMENTS

Sec. 1XX1. Short title.

This subtitle may be cited as the "Unemployment Insurance Modernization Requirements Act of 2020".

Sec. 1XX2. Unemployment insurance modernization requirements.

(a) The Department of Employment Services ("DOES") shall launch an integrated, fully modernized, and fully functioning unemployment insurance information technology benefits and tax system ("benefits system") for public use no later than September 30, 2022.

(b) The benefits system shall include an internet accessible public interface that:

(1) Can be accessed from all major internet browsers and used on mobile devices and personal computers;

(2) Is accessible to people with disabilities in compliance with section 504 of the Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. 794), and title II of the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 337; 42 U.S.C. 12131 *et seq.*); and

(3) Complies with the Language Access Act of 2004, effective March 14, 2007 (D.C. Law 15-167; D.C. Official Code § 2-1931 *et seq.*).

(c)(1) The Office of Contracting and Procurement ("OCP"), in consultation with DOES, should issue a Request for Proposals for the full modernization of the benefits system, consistent with the requirements of subsections (a) and (b) of this section, no later than October 30, 2020.

(2) The OCP should award a contract for the full modernization of the benefits system no later than January 15, 2021.

Sec. 1XX3. (a) Beginning no later than 15 days after the effective date of this subtitle, on any day when American Job Centers are closed (excluding weekends, holidays, and staff training days), the Department of Employment Services ("DOES") shall provide the following materials at its headquarters from 8:30 a.m. to 5:00 p.m.:

(1) Hard copies of unemployment insurance benefits applications, with hard copies of all instructions that are available online for completing the application;

(2) Hard copies of DOES complaint forms for violations of District labor laws, including wage and hour, accrued paid sick time, and workers' compensation laws, with hard copies of all instructions that are available online for completing each form;

(3) Envelopes individuals may use in submitting their applications and complaint forms, with space on the outside to identify the form being submitted; and

(4) A locked box with a slot into which individuals may deposit their completed applications and complaint forms.

(b) The DOES shall make the materials identified in subsection (a) of this section available in a location at its headquarters that is publicly and handicap accessible.

SUBTITLE ___. DISTRICT GOVERNMENT TRANSGENDER AND NON-BINARY EMPLOYMENT STUDY

Sec. XXX. Short title.

This subtitle may be cited as the "District Government Transgender and Non-Binary Employment Study Act of 2020".

Sec. XXX. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-601.01 *et seq*) is amended by adding a new Title VII-B to read as follows:

"TITLE VII-B GENDER IDENTITY STUDY

"Sec. 760. Definitions.

"For the purposes of this title, the term:

"(1) "Cisgender" means individuals whose sex assigned at birth matches the individual's perceived gender.

"(2) "Gender identity" means an individual's internal sense of the individual's gender, which may be the same as or different from sex assigned at birth and can include male, female, neither, or both.

"(3) "Non-binary" includes individuals whose gender identity is neither entirely male nor entirely female, or varies between the two.

"(4) "Transgender" includes individuals whose gender identity or expression is different from that typically associated with their assigned sex at birth.

"Sec. 761. Study of transgender and non-binary employment.

"(a) The Mayor shall contract with an entity to conduct a study of employment data, hiring and recruitment practices, and workplace climate in District government agencies in relation to people who are transgender or non-binary. At a minimum, the study shall include:

"(1) A census of employees who identify as transgender or non-binary, including information on the employees' race and ethnicity, gender identity, and age;

"(2) A review of District government agencies' transgender and non-binary inclusion policies, including policies developed under the Human Rights Act of 1977, effective December 13, 1977, (D.C. Law 2-38; D.C. Official Code § 2-1401.01 *et seq.*), ("Human Rights Act") and any regulations promulgated pursuant to the Human Rights Act, and an evaluation of the extent to which District government agencies have implemented such polices and how transgender and non-binary employees experience such polices;

"(3) An evaluation of District government agencies' actual recruitment, hiring, retention, and promotion practices related to prospective and current transgender and non-binary employees;

"(4) An analysis of any disparities in earnings, title, pay grade, length of time in position, and educational attainment between employees who identify as transgender or non-binary and employees who identify as cisgender;

"(5) An assessment of transgender and non-binary employees' workplace experiences as employees of District government agencies, including experiences of discrimination, harassment, or mistreatment on the job; and

"(6) An evaluation of data, including participant demographics and program outcomes, for transgender or non-binary participants in the Department of Employment Services' job training programs; and

"(7) Recommendations for District government agencies on improving employment and hiring practices as they relate to individuals who are transgender or non-binary.

"(b) The contractor may survey employees to gather data for the purposes of the study.

"(c) The contractor completing the study shall:

"(1) Have, or partner with another entity with, experience studying and knowledge of sexual orientation and gender identity;

"(2) Include a statement in requests for information and surveys sent to employees explaining that providing information is voluntary;

"(3) Ensure the privacy, dignity, and confidentiality of employees;

"(4) Not disclose, or retain after the study is complete, personally identifiable information gathered in the course of the study; and

"(5) Consult with the Office of Human Rights in developing a detailed proposed plan of the study, surveys to be administered, and any resulting recommendations from the entity.

"(d) The Mayor may use electronic communication tools, including e-mail, to facilitate the contractor's outreach to District government employees.

"(e) The Mayor shall:

"(1) Review the contractor's proposals and recommendations to ensure they are consistent with the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2-38; D.C. Official Code § 2–1401.01 *et seq*.);

"(2) Review data, with personally identifiable information removed, on harassment and discrimination complaints filed by transgender and non-binary employees against District government agencies since January 1, 2015;

"(3) Provide the contractor with the information necessary to facilitate subsection (a) of this section; and

"(4) Submit a final report with findings and recommendations to the Council no later than December 31, 2021. The final report submitted to the Council shall not contain any personally identifiable information.".

SUBTITLE ___. TIPPED WAGE WORKERS FAIRNESS CLARIFICATION AMENDMENT ACT OF 2020.

Sec. XX01. This subtitle may be cited as the "Tipped Workers Fairness Clarification Amendment Act of 2020".

Sec. XX02. The Tipped Wage Workers Fairness Amendment Act of 2018, effective December 13, 2018 (D.C. Law 22-196; D.C. Official Code § 32-161 *et seq*.), is amended as follows:

(a) Section 3 (D.C. Official Code § 32-161) is amended as follows:

(1) Subsection (a)(1) is amended as follows:

(A) Strike the phrase "By April 1, 2020" and insert the phrase "Within 120 days after the date this section becomes applicable" in its place.

(B) Subparagraph (F) is repealed.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended as follows:

(i) The lead-in language is amended by striking the phrase "By April 1, 2020" and inserting the phrase "Within 120 days after the date this section becomes applicable" in its place.

(ii) Subparagraph (B) is amended to read as follows:

"(B) The following text formatted in a large font and for maximum readability, including the use of bullet points to call out each specified right on a separate line:

"EMPLOYEE RIGHTS IN THE DISTRICT OF COLUMBIA: Do you know your rights as an employee working in Washington, D.C.? Employees have the right:

- To be paid at least the minimum wage;

- To be paid on time;
- To receive a detailed pay stub;
- To accrue and use paid sick and safe leave;
- To request time off to attend a child's school-related activities;
- To qualify for unpaid family and medical leave;
- To be compensated for work-related illness or injury;
- To remain free from discrimination;
- To be accommodated in the workplace during pregnancy;
- To remain free from employer retaliation for discussing or exercising any of these rights; and
- To file a complaint for violation of workplace rights with the Department of Employment Services (DOES) or the Office of Human Rights (OHR);

To learn about these and other workplace rights, visit the website below. This notice does not create, expand, or limit rights under District or federal law.";".

(B) Paragraph (2) is amended by striking the phrase "The poster" and inserting the phrase "Below the text required pursuant to paragraph (1)(B) of this subsection, the poster" in its place.

(3) Subsection (d)(6) is repealed.

Sec. 1XX3. The Minimum Wage Act Revision Act of 1992, effective March 11, 2014 (D.C. Official Code § 32-1001 *et seq.*) is amended as follows:

(a) Section 10a (D.C. Official Code § 32-1009.01) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) As of January 1, 2020, the third-party payroll businesses required pursuant to section 9(a-1) to process payroll for an employer that employs a tipped worker and hotel employers that employ a tipped worker shall submit a quarterly wage report for the preceding calendar quarter to the Mayor no later than 30 days after the end of each calendar quarter.

"(2) Each quarterly wage report shall certify that each tipped worker was paid at least the required minimum wage, including gratuities, and shall include the following:

"(A) Itemized, for each tipped worker, the worker's:

"(i) Name;

"(ii) Average hourly wage received per week during the quarter;

"(iii) Total hours worked at or above the minimum hourly wage established under section 4(f) per week;

"(iv) Gross wages received per week; and

"(v) Total gratuities received per week.

"(B) For a hotel employer, a certification that all of the information in the report is accurate;

"(C) For a third-party payroll business, a certification that the information in the report was generated using the same payroll data used to generate the information required to be furnished to employees pursuant to section 9(b); and

"(D) If tips were shared, a copy of the employer's tip-sharing policy used during the quarter, unless the third-party payroll business and the employer have agreed that the employer will submit the tip-sharing policy, in which case, a certification that such an agreement was in place during the calendar quarter.

"(3)(A) An employer that agrees to submit its tip-sharing policy directly to the Mayor shall submit the policy to the Mayor no later than 30 days after the end of each calendar quarter.

"(B) If the Mayor does not receive the tip-sharing policy of an employer that employs a tipped worker by the submission deadline for quarterly wage reports, the Mayor shall presume that the employer did not have a tip-sharing policy in place during the calendar quarter.".

(2) Subsection (b)(2) is amended to read as follows:

"(2) A person required to submit documents pursuant to subsection (a) of this section shall submit the documents online through the Internet-based portal, unless the Mayor exempts the person from online reporting because it creates a hardship for the person, in which case, the person shall submit the documents in hard-copy form.".

(3) A new subsection (d) is added to read as follows:

"(d) For the purposes of this section the term "tipped worker" means an employee paid in accordance with section 4(f).".

(b) Section 12(d)(1) (D.C. Official Code § 32-1011(d)(1)) is amended by adding a new subparagraph (E-i) to read as follows:

"(E-i) $500 against an employer for each failure to timely submit the quarterly wage report required pursuant to section 10a, in its entirety, unless the employer proves that it used a third-party payroll business to process the relevant quarter's payroll for the employer.".

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SUBTITLE ___. UNIVERSAL PAID LEAVE FUND

Sec. 1XX1. This subtitle may be cited as the "Universal Paid Leave Fund Amendment Act of 2020."

Sec. 1XX2. The Universal Paid Leave Implementation Fund Act of 2016, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-551.01), is amended as follows:

(a) A new section 1151a is added to read as follows:

"Sec. 1151a. Definitions.

"For the purposes of this subtitle, the term "Act" means the Universal Paid Leave Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).".

(b) Section 1152 (D.C. Code 32-551.01) is amended as follows:

(1) The section heading is amended by striking the word "Implementation".

(2) Subsection (a) is amended by striking the word "Implementation".

(3) Subsection (b) is amended to read as follows:

"(b)(1) Money in the Fund shall be used to implement the Act, which shall include paying for benefits provided under the Act and for administrative and enforcement costs incurred pursuant to the Act.

"(2) In a fiscal year:

"(A) No more than 9% of the funds deposited into the Fund shall be used to pay for the administration of the Act. The amount appropriated annually for administrative costs shall be deposited in the Universal Paid Leave Administration Fund, established pursuant to section 1153; and

"(B) No more than 1% of the funds deposited into the Fund shall be used to pay for the enforcement of the Act. The amount appropriated annually for enforcement costs

shall be deposited in the Universal Paid Leave Enforcement Fund, established pursuant to section 1154.".

(4) Subsection (f) is amended by striking the period and inserting the phrase "and the Workplace Leave Navigators Program established pursuant to the Workplace Leave Navigators Program Establishment Amendment Act of 2020, passed on 1st reading on July 7, 2020 (Bill 23-760)." in its place.

(c) New sections 1153 and 1154 are added to read as follows:

"Sec. 1153. Universal Paid Leave Administration Fund.

"(a) There is established as a special fund the Universal Paid Leave Administration Fund ("Fund"), which shall be administered by the Department of Employment Services in accordance with subsections (c) and (d) of this section.

"(b) Amounts appropriated annually for administrative costs of the Act from the Universal Paid Leave Fund, pursuant to section 1152(b)(2)(A), shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the following purposes:

"(1) Administration of the Act; and

"(2) No more than 10% for public education, pursuant to section 106(j) of the Act, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-541.06(j)); provided, that at least at least $500,000 annually shall be used to fund the Workplace Leave Navigators Program established pursuant to section 1XX3 of the Workplace Leave Navigators Program Establishment Amendment Act of 2020, passed on 1st reading on July 7, 2020 (Bill 23-760).

"(d) Money deposited into the Fund but not expended in a fiscal year shall revert to the Universal Paid Leave Fund, established pursuant to section 1152.

"Sec. 1154. Universal Paid Leave Enforcement Fund.

"(a) There is established as a special fund the Universal Paid Leave Enforcement Fund ("Fund"), which shall be administered by the Office of Human Rights in accordance with subsections (c) and (d) of this section.

"(b) Amounts appropriated annually for enforcement costs of the Act from the Universal Paid Leave Fund, pursuant to section 1152(b)(2)(B), shall be deposited in the Fund.

"(c) Money in the Fund shall be used for the enforcement of section 110(a) and (b) of the Act, effective October 8, 2016 (D.C. Law 21-160; D.C. Official Code § 32-541.10(a)-(b)), which may include education and outreach on individuals' rights under the Act.

"(d) Money deposited into the Fund but not expended in a fiscal year shall revert to the Universal Paid Leave Fund, established pursuant to section 1152.".

Sec. 1XX3. Conforming amendments.

The Universal Paid Leave Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*), is amended as follows:

(a) Subsection 101 (D.C. Official Code § 32-541.01) is amended as follows:

(1) Paragraph (10)(A) is amended by striking the word "Implementation".

(2) Paragraph (21) is amended by striking the phrase "Implementation Fund" means the Uniform Paid Leave Implementation Fund" and inserting the phrase "Fund" means the Uniform Paid Leave Fund" in its place.

(b) Section 103 (D.C. Official Code § 32-541.03) is amended as follows:

(1) The section heading is amended by striking the word "Implementation".

(2) Subsection (a) is amended by striking the word "Implementation".

(3) Subsection (b) is amended by striking the word "Implementation".

(4) Subsection (c) is amended by striking the word "Implementation".

(5) Subsection (d) is amended by striking the word “Implementation”.

(6) Subsection (e) is amended by striking the word “Implementation”.

(7) Subsection (f) is amended by striking the word “Implementation”.

(c) Section 104(g)(6)(A) (D.C. Official Code § 32-541.04(g)(6)(A)) is amended by striking the word “Implementation”.

(d) Section 105(a)(2) (D.C. Official Code § 32-541.05(a)(2)) is amended by striking the word “Implementation”.

(e) Section 106(j)(1) (D.C. Official Code § 32-541.06(j)(1) is amended to read as follows:

“(j)(1) The Mayor shall conduct a public-education campaign, which shall be paid for out of the Universal Paid Leave Administration Fund, pursuant to section 1153(c)(2) of the Universal Paid Leave Implementation Fund Act of 2016, passed on 1st reading on July 7, 2020 (Bill 23-760), to inform individuals of the benefits provided for in this act.”.

(f) Section 109(c) (D.C. Official Code § 32-541.09(c)) is amended as follows:

(1) Paragraph (1) is amended by striking the word “Implementation”.

(2) Paragraph (2) is amended by striking the word “Implementation” both times it appears.

SUBTITLE ____. SHARED WORK COMPENSATION PROGRAM

Sec. XXX. Shared work compensation program clarification.

Sec. 1XX1. Short title.

This subtitle may be cited as the "Shared Work Compensation Program Clarification Amendment Act of 2020".

Sec. 1XX2. The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

(a) Section 2 (D.C. Official Code § 51-171) is amended as follows:

(1) Paragraph (4) is repealed.

(2) New paragraphs (4A) and (4B) are added to read as follows:

"(4A) "Health and retirement benefits" means employer-provided health benefits, and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or contributions under a defined contribution plan, as defined in section 414(i) of the Internal Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which are incidents of employment in addition to the cash remuneration earned.

"(4B) "Participating employee" means an employee who voluntarily agrees to participate in an employer's shared work plan.".

(3) Paragraph (5) is amended to read as follows:

"(5) "Usual weekly hours of work" means the usual hours of work per week for full-time or part-time employees in the affected unit when that unit is operating on its regular basis, not to exceed 40 hours and not including hours of overtime work.".

(4) Paragraph (7) is amended to read as follows:

"(7) "Shared work benefits" means the unemployment benefits payable to a participating employee in an affected unit under a shared work plan, as distinguished from the unemployment benefits otherwise payable under the employment security law.".

(5) Paragraph (8) is amended to read as follows:

"(8) "Shared work plan" means a written plan to participate in the shared work unemployment compensation program approved by the Director, under which the employer requests the payment of shared work benefits to participating employees in an affected unit of the employer to avert temporary or permanent layoffs, or both.".

(b) Section 4 (D.C. Official Code § 51-173) is amended to read as follows:

"Sec. 4. Employer participation in the shared work unemployment compensation program.

"(a) Employer participation in the shared work unemployment compensation program shall be voluntary.

"(b) An employer that wishes to participate in the shared work unemployment compensation program shall submit a signed application and proposed shared work plan to the Director for approval.

"(c) The Director shall develop an application form consistent with the requirements of this section. The application and shared work plan shall require the employer to:

"(1) Identify the affected unit (or units) to be covered by the shared work plan, including:

"(A) The number of full-time or part-time employees in such unit;

"(B) The percentage of employees in the affected unit covered by the plan;

"(C) Identification of each individual employee in the affected unit by name and social security number;

"(D) The employer's unemployment tax account number, and

"(E) Any other information required by the Director to identify participating employees;

"(2) Provide a description of how employees in the affected unit will be notified of the employer's participation in the shared work unemployment compensation program if such application is approved, including how the employer will notify those employees in a collective bargaining unit as well as any employees in the affected unit who are not in a collective bargaining unit. If the employer will not provide advance notice of the shared work plan to employees in the affected unit, the employer shall explain in a statement in the application why it is not feasible to provide such notice;

"(3) Identify the usual weekly hours of work for employees in the affected unit and the specific percentage by which hours will be reduced during all weeks covered by the plan. A shared work plan may not reduce participating employees' usual weekly hours of work by less than 10% or more than 60%. If the plan includes any week for which the employer regularly provides no work (due to a holiday or other plant closing), then such week shall be identified in the application;

"(4) If the employer provides health and retirement benefits to any participating employee whose usual weekly hours of work are reduced under the plan, certify that such benefits will continue to be provided to participating employees under the same terms and conditions as though the usual weekly hours of work of such participating employee had not been reduced or to the same extent as employees not participating in the shared work plan. For

defined benefit retirement plans, the hours that are reduced under the shared work plan shall be credited for purposes of participation, vesting, and accrual of benefits as though the participating employee's usual weekly hours of work had not been reduced. The dollar amount of employer contributions to a defined contribution plan that are based on a percentage of compensation may be reduced due to the reduction in the participating employee's compensation. A reduction in health and retirement benefits scheduled to occur during the duration of a shared work plan that is equally applicable to employees who are not participating in the plan and to participating employees does not violate a certification made pursuant to this paragraph;

"(5) Certify that the aggregate reduction in work hours under the shared work plan is in lieu of temporary or permanent layoffs, or both, and provide a good faith estimate of the number of employees who would be laid off in the absence of the proposed shared work plan;

"(6) Agree to:

"(A) Furnish reports to the Director relating to the proper conduct of the shared work plan;

"(B) Allow the Director or the Director's authorized representatives access to all records necessary to approve or disapprove the application for a shared work plan;

"(C) Allow the Director to monitor and evaluate the shared work plan; and

"(D) Follow any other directives the Director considers necessary for the agency to implement the shared work plan consistent with the requirements for shared work plan applications;

"(7) Certify that participation in the shared work unemployment compensation program and implementation of the shared work plan will be consistent with the employer's obligations under applicable federal and District laws;

"(8) State the duration of the proposed shared work plan, which shall not exceed 365 days from the effective date established pursuant to section 6;

"(9) Provide any additional information or certifications that the Director determines to be appropriate for purposes of the shared work unemployment compensation program, consistent with requirements issued by the United States Secretary of Labor; and

"(10) Provide written approval of the proposed shared work plan by the collective bargaining representative for any employees covered by a collective bargaining agreement who will participate in the plan.".

(c) Section 5 (D.C. Official Code § 51-174) is amended to read as follows:

"Sec. 5. Approval and disapproval of a shared work plan.

"(a)(1) The Director shall approve or disapprove an application for a shared work plan in writing within 15 calendar days of its receipt and promptly issue a notice of approval or disapproval to the employer.

"(2) A decision disapproving the shared work plan shall clearly identify the reasons for the disapproval.

"(3) A decision to disapprove a shared work plan shall be final, but the employer may submit another application for a shared work plan not earlier than 10 calendar days from the date of the disapproval.

"(b) Except as provided in subsections (c) and (d) of this section, the Director shall approve a shared work plan if the employer:

"(1) Complies with the requirements of section 4; and

"(2) Has filed all reports required to be filed under the employment security law for all past and current periods, and:

"(A) Has paid all contributions and benefit cost payments; or

"(B) If the employer is a reimbursing employer, has made all payments in lieu of contributions due for all past and current periods.

"(c) Except as provided in subsection (d) of this section, the Director may not approve a shared work plan:

"(1) To provide payments to an employee if the employee is employed by the participating employer on a seasonal, temporary, or intermittent basis;

"(2) If the employer's unemployment insurance account has a negative unemployment experience rating;

"(3) If the employer's unemployment insurance account is taxed at the maximum tax rate in effect for the calendar year;

"(4) For employers who have not qualified to have a tax rate assigned based on actual experience; or

"(5) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect.

"(d) During the effective period of a shared work plan entered into during a public health emergency, subsection (c) of this section shall not apply. During a public health emergency, the Director may not approve a shared work plan:

"(1) To provide payments to an employee if the employee is employed by the participating employer on a seasonal, temporary, or intermittent basis;

"(2) For employees who are receiving or who will receive supplemental unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any period a shared work plan is in effect; or

"(3) For employers that have reported quarterly earnings to the Director for fewer than 3 quarters at the time of the application for the shared work unemployment compensation program.

"(e) For the purposes of this section, the term "public health emergency" means the public health emergency declared in the Mayor's order dated March 11, 2020, and any extensions thereof.".

(d) Section 6 (D.C. Official Code § 51-175) is amended to read as follows:

"Sec. 6. Effective date and expiration, termination, or revocation of a shared work plan.

"(a) A shared work plan shall be effective on the date that is mutually agreed upon by the employer and the Director, which shall be specified in the notice of approval to the employer.

"(b) The duration of the plan shall be 365 days from the effective date, unless a shorter duration is requested by employer or the plan is terminated or revoked in accordance with this section.

"(c) An employer may terminate a shared work plan at any time upon written notice to the Director, participating employees, and a collective bargaining representative for the participating employees. After receipt of such notice from the employer, the Director shall issue to the employer, the appropriate collective bargaining representative, and participating

employees an Acknowledgment of Voluntary Termination, which shall state the date the shared work plan terminated.

"(d) The Director may revoke a shared work plan at any time for good cause, including:

"(1) Failure to comply with the certifications and terms of the shared work plan;

"(2) Failure to comply with federal or state law;

"(3) Failure to report or request proposed modifications to the shared work plan in accordance with section 7;

"(4) Unreasonable revision of productivity standards for the affected unit;

"(5) Conduct or occurrences tending to defeat the purpose and effective operation of the shared work plan;

"(6) Change in conditions on which approval of the plan was based;

"(7) Violation of any criteria on which approval of the plan was based; or

"(8) Upon the request of an employee in the affected unit.

"(e) Upon a decision to revoke a shared work plan, the Director shall issue a written revocation order to the employer that specifies the reasons for the revocation and the date the revocation is effective. The Director shall provide a copy of the revocation order to all participating employees and their collective bargaining representative.

"(f) The Director may periodically review the operation of an employer's shared work plan to ensure compliance with its terms and applicable federal and District laws.

"(g) An employer may submit a new application for a shared work plan at any time after the expiration or termination of a shared work plan.".

(e) Section 7 (D.C. Official Code § 51-176) is amended to read as follows:

"Sec. 7. Modification of a shared work plan.

"(a) An employer may not implement a substantial modification to a shared work plan without first obtaining the written approval of the Director.

"(b)(1) An employer must report, in writing, every proposed modification of the shared work plan to the Director a least 5 calendar days before implementing the proposed modification. The Director shall review the proposed modification to determine whether the modification is substantial. If the Director determines that the proposed modification is substantial, the Director shall notify the employer of the need to request a substantial modification.

"(2) An employer may request a substantial modification to a shared work plan by filing a written request with the Director. The request shall identify the specific provisions of the shared work plan to be modified and provide an explanation of why the proposed modification is consistent with and supports the purposes of the shared work plan. A modification may not extend the expiration date of the shared work plan.

"(c)(1) At the Director's discretion, an employer's request for a substantial modification of a shared work plan may be approved if:

"(A) Conditions have changed since the plan was approved; and

"(B) The Director determines that the proposed modification is consistent with and supports the purposes of the approved plan.

"(2) The Director shall approve or disapprove a request for substantial modification, in writing, within 15 calendar days of receiving the request and promptly shall communicate the decision to the employer. If the request is approved, the notice of approval shall contain the effective date of the modification.".

(f) Section 8 (D.C. Official Code § 51-177) is amended to read as follows:

"Sec. 8. Employee eligibility for shared work benefits.

"(a) A participating employee is eligible to receive shared work benefits with respect to any week only if the individual is monetarily eligible for unemployment compensation, not otherwise disqualified from unemployment compensation, and:

"(1) With respect to the week for which shared work benefits are claimed, the participating employee was covered by a shared work plan that was approved prior to that week;

"(2) Notwithstanding any other provision of the employment security law relating to availability for work and actively seeking work, the participating employee was available for the individual's usual hours of work with the shared work employer, which may include availability to participate in training to enhance job skills approved by the Director, such as employer-sponsored training or training funded under the Workforce Innovation and Opportunity Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

"(3) Notwithstanding any other provision of law, a participating employee is deemed unemployed for the purposes of determining eligibility to receive unemployment compensation benefits in any week during the duration of such plan if the individual's remuneration as an employee in an affected unit is reduced under the terms of the plan.

"(b) A participating employee may be eligible for shared work benefits or unemployment compensation, as appropriate, except that no participating employee may be eligible for combined benefits in any benefit year in an amount more than the maximum entitlement established for regular unemployment compensation; nor shall a participating employee be paid shared work benefits for more than 52 weeks under a shared work plan or in an amount more than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

"(c) The shared work benefit paid to a participating employee shall be deducted from the maximum entitlement amount of regular unemployment compensation established for that individual's benefit year.

"(d) Provisions applicable to unemployment compensation claimants under the employment security law shall apply to participating employees to the extent that they are not inconsistent with this act. A participating employee who files an initial claim for shared work benefits shall receive a monetary determination of whether the individual is eligible to receive benefits.

"(e) A participating employee who has received all of the shared work benefits or combined unemployment compensation and shared work benefits available in a benefit year shall be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code § 51–107(g)(1)(H)) ("Act"), for purposes of eligibility to receive extended benefits pursuant to section 7(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that section, shall be eligible to receive extended benefits.

"(f) Shared work benefits shall be charged to employers' experience rating accounts in the same manner as unemployment compensation is charged under the employment security law, unless waived by federal or District law. Employers liable for payments in lieu of contributions shall have shared work benefits attributed to service in their employ in the same manner as unemployment compensation is attributed, unless waived by federal or District law.".

(g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

(1) Subsection (a) is amended to read as follows:

"(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a participating employee shall be the product of the regular weekly unemployment compensation amount for a week of total unemployment multiplied by the percentage of reduction in the participating employee's usual weekly hours of work.

"(2) The shared work benefit for a participating employee who performs work for another employer during weeks covered by a shared work plan shall be calculated as follows:

"(A) If the combined hours of work in a week for both employers results in a reduction of less than 10% of the usual weekly hours of work the participating employee works for the shared work employer, the participating employee is not eligible for shared work benefits;

"(B) If the combined hours of work for both employers results in a reduction equal to or greater than 10% of the usual weekly hours worked for the shared work employer, the shared work benefit payable to the participating employee is determined by multiplying the weekly unemployment benefit amount for a week of total unemployment by the percentage by which the combined hours of work have been reduced. A week for which benefits are paid under this subparagraph shall be reported as a week of shared work benefits.

"(C) If an individual worked the reduced percentage of the usual weekly hours of work for the shared work employer and is available for all the participating employee's usual hours of work with the shared work employer, and the participating employee did not work any hours for the other employer, either because of the lack of work with that employer or because the participating employee is excused from work with the other employer, the participating employee shall be eligible for the full value of the shared work benefit for that week.".

(2) Subsection (b) is repealed

(3) New subsections (c) and (d) are added to read as follows:

"(c) A participating employee who is not provided any work during a week by the shared work employer or any other employer and who is otherwise eligible for unemployment compensation shall be eligible for the amount of regular unemployment compensation to which the individual would otherwise be eligible.

"(d) A participating employee who is not provided any work by the shared work employer during a week, but who works for another employer and is otherwise eligible for unemployment compensation may be paid unemployment compensation for that week subject to the disqualifying income provision and other provisions applicable to claims for regular unemployment compensation.".