

---

---

# COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT

ELISSA SILVERMAN, CHAIRPERSON  
FISCAL YEAR 2021 COMMITTEE BUDGET REPORT

---

---



**TO:** Members of the Council of the District of Columbia

**FROM:** Councilmember Elissa Silverman *Elissa Silverman*  
Chairperson, Committee on Labor and Workforce Development

**DATE:** June 24, 2020

**SUBJECT:** Report and Recommendations of the Committee on Labor and Workforce Development on the Fiscal Year 2021 Budget for Agencies Under Its Purview

The Committee on Labor and Workforce Development (“Committee”), having conducted hearings and received testimony on the Mayor’s proposed operating and capital budgets for Fiscal Year 2021 (“FY 2021”) for the agencies under its purview, reports its recommendations for review and consideration by the Committee of the Whole. The Committee also comments on several sections in the Fiscal Year 2021 Budget Support Act of 2020, as proposed by the Mayor.

## TABLE OF CONTENTS

<b>I. SUMMARY</b> .....	<b>3</b>
<b>A. EXECUTIVE SUMMARY</b> .....	<b>3</b>
<b>B. Fiscal Year 2021 Agency Operating Budget Summary</b> .....	<b>7</b>
<b>C. Fiscal Year 2021 Agency Full-Time Equivalent</b> .....	<b>9</b>
<b>D. FY 2021 - 2026 Agency Capital Budget Summary</b> .....	<b>10</b>
<b>E. Transfers In from Other Committees</b> .....	<b>10</b>
<b>F. Transfers Out to Other Committees</b> .....	<b>11</b>
<b>G. Funding of Budget Support Act Subtitles</b> .....	<b>11</b>
<b>H. Funding of Pending Bills or Laws Passed Subject to Appropriation</b> .....	<b>11</b>
<b>I. Summary of Committee Budget Recommendations</b> .....	<b>11</b>
<b>II. AGENCY FISCAL YEAR 2021 BUDGET RECOMMENDATIONS</b> .....	<b>12</b>
<b>A. Introduction</b> .....	<b>12</b>
<b>B. DC Department of Human Resources (BE0)</b> .....	<b>14</b>
<b>C. Department of Employment Services (CF0)</b> .....	<b>24</b>
<b>D. Employees’ Compensation Fund (BG0)</b> .....	<b>70</b>
<b>E. Office of Employee Appeals (CH0)</b> .....	<b>73</b>
<b>F. Office of Labor Relations and Collective Bargaining (Part of AE0, Office of City Administrator)</b> .....	<b>79</b>

<b>G. Public Employee Relations Board (CG0)</b> .....	<b>84</b>
<b>H. Unemployment Compensation Fund (BH0)</b> .....	<b>88</b>
<b>I. Unemployment Insurance Trust Fund (UI0)</b> .....	<b>90</b>
<b>J. Universal Paid Leave fund (UL0)</b> .....	<b>92</b>
<b>K. Workforce Investments (UP0)</b> .....	<b>95</b>
<b>L. Workforce Investment Council (part of GW0, Deputy Mayor for Education)</b> .....	<b>97</b>
<b>III. TRANSFERS TO OTHER COMMITTEES</b> .....	<b>110</b>
<b>IV. BUDGET SUPPORT ACT RECOMMENDATIONS</b> .....	<b>112</b>
<b>A. Recommendations on Mayor’s Proposed Subtitles</b> .....	<b>112</b>
1. Title I, Subtitle C, Revenue-Contingent Cost-of-Living Adjustment Act of 2020 .....	112
<b>B. Recommendations for New Subtitles</b> .....	<b>117</b>
1. Title X, Subtitle X, Healthcare Workforce Partnership Establishment Act of 2020... ..	117
2. Title X, Subtitle X, DC Infrastructure Academy Employer Engagement Amendment Act of 2020 .....	126
3. Title X, Subtitle X, Workplace Leave Navigators Amendment Act of 2020 .....	135
4. Title X, Subtitle X, School Year Internship Pilot Program Amendment Act of 2020 .....	141
5. Title X, Subtitle X, Unemployment Insurance Modernization Requirements Amendment Act of 2020.....	146
6. Title X, Subtitle X, District Government Transgender Employment Study Act of 2020 .....	149
7. Title X, Subtitle X, Tipped Wage Reporting Clarification Amendment Act of 2020. ....	154
8. Title X, Subtitle X, Universal Paid Leave Fund Amendment Act of 2020.....	158
9. Title X, Subtitle X, Shared Work Compensation Program Clarification Amendment Act of 2020 .....	163
<b>V. RECOMMENDATIONS FOR LOCAL BUDGET ACT</b> .....	<b>172</b>
<b>VI. COMMITTEE ACTION AND VOTE</b> .....	<b>174</b>
<b>VII. ATTACHMENTS</b> .....	<b>176</b>

## I. SUMMARY

### A. EXECUTIVE SUMMARY

The coronavirus public health emergency and ensuing economic crisis has put an inescapable spotlight on racial inequity in our city. It has shown that years of underinvestment have led to systems that are woefully outdated and incapable of helping residents in their greatest time of need. The failure of these systems has disproportionately affected our low income, Black, and Latino communities.

The FY 2021 budget presents an opportunity to truly address the pernicious inequities that cause damage to people of color in our city financially, physically and psychologically. It is an opportunity to correct these harmful injuries by investing taxpayer dollars in the programs, capital projects, and people power that will bring greater racial justice to DC. This will lead to a healthier and more prosperous city overall.

The Committee on Labor and Workforce Development believes that the agencies and programs under its oversight play a key role in the District's recovery from this public health and economic crisis. The Committee is also firm in its belief that making decisions should be based on demonstrated outcomes, research-driven best practices, and – this is key – input from the community members who actually use these programs. Only through this inclusive and research-driven process can we build government programs and agencies that truly tackle poverty, racism, and income inequality.

With these budget recommendations to the full Council of the District of Columbia, we are demonstrating our commitment to continue addressing racial injustice by making sure that Black and Latino residents benefit from how we use their taxpayer dollars. When District government puts money into two new hospitals, this Committee will do everything in its power to make sure that District residents have access to the living wage jobs created in construction and healthcare. When District government puts money into a training academy, this Committee will do everything in its power to make sure District residents who invest their time and energy in learning end up in quality careers in infrastructure, IT, and other high-demand industries that can support their families. We are committed to getting our residents into these jobs, and to ensuring that once they are there, they are paid fairly and have quick recourse to government enforcement if their rights are violated.

The Committee on Labor and Workforce Development is charged with oversight of DC agencies that provide job training and promote job creation, particularly for workers with barriers to employment. These agencies are tasked with important charges, such as ensuring that workers are treated fairly and paid properly and supporting workers economically through social insurance and safety net programs such as Unemployment Insurance (UI) and the new Universal Paid Leave (UPL) program. In its role, the Committee oversees and its Chair sits on the Workforce Investment Council (WIC), which is responsible for developing government-wide workforce development strategy. The biggest agency in the Committee's purview is the Department of Employment Services (DOES), which implements UI, UPL, and workforce development programs including the

District's one-stop centers, workers' compensation, and wage and hour enforcement including First Source. The Committee also oversees several agencies dedicated to the District's public sector workers and the District's relationship with organized labor.

The Committee has heard for years from workers, advocates, and businesses about the need for significant improvements in workforce development, UI, and labor law enforcement. Through past budgets and oversight hearings the Committee has tried to draw attention to these important matters. COVID-19 has focused the attention of the public and political leadership on these issues more sharply. Suddenly, these issues affected more than just the District's more vulnerable and began to reach those workers who had not typically used DOES programs, such as white workers, higher-earning hotel and restaurant workers, and independent contractors. Since mid-March, more than 115,000 DC workers have attempted access unemployment and keep their households stable in the midst of layoffs.

Many of these workers ran into challenges seeking unemployment assistance right away. Workers without internet or computer access were unable to easily file claims, system failures were rife for those who were able to access the system online, and the UI call center was not able to scale up easily due to underinvestment in technology, hardware, and its own workforce. That led to unacceptably long waits for service and responses – with many ultimately receiving no response to requests for help or information.

Coronavirus exposed these problems with our safety net that many Black and Latino residents – particularly those who live in Wards 7 and 8, where unemployment is unacceptably high – had long been aware of. The District's economic prosperity has been uneven; the rising tide has not lifted all boats. Median household income for Black households, for example, has remained stagnant at approximately \$45,200 in 2018, despite the overall increase in prosperity in the District.<sup>1</sup> The median household income of white residents, by contrast, was \$142,500. Black District workers are also more likely to hold jobs in occupations with very low wages.<sup>2</sup> Economic disparities like these create and exacerbate other disparities, such as health access and outcomes. In the District, 80 percent of COVID-19 deaths have been Black residents, even though Black people make up only 46 percent of the total population.<sup>3</sup> Black workers are also more likely to hold jobs that required physically reporting for duty during the pandemic, further increasing their exposure and potential health risks.<sup>4</sup>

---

<sup>1</sup> DC Fiscal Policy Institute, "Black Workers Matter: How the District's History of Exploitation & Discrimination Continues to Harm Black Workers," Jan. 28, 2020, p. 8, <https://www.dcfpi.org/wp-content/uploads/2020/01/Black-Workers-Matter-PDF-5.pdf>.

<sup>2</sup> DC Fiscal Policy Institute, "Black Workers Matter," p. 8.

<sup>3</sup> Jenny Gathright, "D.C.'s Black Residents Make Up Less Than Half The Population, 80% Of COVID-19 Deaths," WAMU 88.5, May 11, 2020, available at <https://www.npr.org/local/305/2020/05/11/853892794/d-c-s-black-residents-make-up-less-than-half-the-population-80-of-c-o-v-i-d-19-deaths>.

<sup>4</sup> Elise Gould and Valerie Wilson, "Black workers face two of the most lethal preexisting conditions for coronavirus—racism and economic inequality," Economic Policy Institute, June 1, 2020, p. 17, available at <https://files.epi.org/pdf/193246.pdf>.

This state of things cannot go on any longer. With this report, the Committee is demonstrating its political will to deliver budget allocations and legislation that will reshape our workforce and safety net programs to be more effective, accessible, and equitable.

Herein is a summary of the Report and Recommendations of the Committee on Labor and Workforce Development for the FY 2021:

### **Investing in High-Demand Industry Training that Leads to Living-Wage Careers**

- Establish a **healthcare sector partnership** through the Workforce Investment Council to increase the number of District residents employed in the healthcare industry. The partnership will focus on jobs at the two new hospitals in the District that will be financed with taxpayer dollars during the financial plan. It will also focus on meeting the staffing needs of the hospitals, as well as the District's managed care organizations, private insurers, and other healthcare providers. The partnership will heavily invest in employer engagement by creating a **sector intermediary** to connect business and training providers, and to help trainees moving directly into employment with partner employers.
- Create **industry advisory committees** to guide training at DOES' DC Infrastructure Academy that will meet the needs of employers and help more District residents get living-wage jobs and stable careers in high-demand fields.
- **Invest in training for healthcare careers** for District residents through the Workforce Investment Council.
- Invest in **training for Commercial Drivers Licenses and Information Technology** at the DC Infrastructure Academy, and add an FTE to manage training.
- Continue and enhance funding a best-practice of helping low-literacy DC residents get jobs through **integrated education and training**, which has been a highly success approach to adult education and workforce development, through support of proposed funding at the Workforce Investment Council.
- Establish a **paid internship pilot program** in Spring 2021 for 250 District high school students to help them gain the skills and experience they need for future success.
- Require the Executive review options for the **DC Infrastructure Academy to remain East of the Anacostia River** and preferably within Ward 8 prior to expending funds for the design on 2500 Benning Road NE location.

## **Making the District's Safety Net Work For Everyone**

- Establish a firm deadline to **modernize the Unemployment Insurance system** capital project under DOES. Require that UI applications can be made on mobile devices including cell phones, that the claimant portal is compatible with all major internet browsers, and that the system will comport with the legal rights of all District workers, including non-English speakers and people with disabilities.
- Create a fair UI system so that workers without Wi-Fi or computer access can **file claims and complaint forms**.
- Fund **enforcement of the Universal Paid Leave Act's** prohibition on retaliation against individuals exercising their rights through the Office of Human Rights.
- Establish a new grant program to fund businesses and worker organizations' efforts to **help employers and workers navigate the District's workplace leave laws**, including universal paid leave, family and medical leave, and paid sick time.
- Reform the **Paid Leave Fund structure** to clarify how administrative and enforcement money flows and ensure all needs will be funded in the future.
- Update the **unemployment insurance shared work program** law to be in line with U.S. Department of Labor model legislation, a program passed into law in 2010 but not implemented until 2020.

## **Keeping a Fair Playing Field by Investing in Labor Law Enforcement**

- Invest in an additional attorney at the Office of the Attorney General to **combat wage theft**.
- Improve **protections against wage theft** that are already included in current law, which is the legislation that repealed Initiative 77.
- Fund a **public education campaign** on tipped workers' wage rights, required under the legislation that repealed Initiative 77.

## **Investing in and Respecting DC government workers**

- **Respect District public servants' collective bargaining rights** by requiring that up to \$35 million in revenues in excess of the April 2020 estimate are used first to honor two executed collective bargaining agreements, covering 10,000 workers.
- Conduct a study on the employment of and employment practices related to **transgender and non-binary individuals** in District government agencies.

## B. FISCAL YEAR 2021 AGENCY OPERATING BUDGET SUMMARY

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>DC Department of Human Resources (BE0)</i></b>					
Local	\$11,201,000	\$11,363,000	\$10,368,875	\$150,000	\$10,518,875
Special Purpose Revenue	(\$786,000)	\$448,000	\$7,346,834		\$593,214
Intra-District	\$11,189,000	\$7,782,000	\$593,214		\$7,346,834
<b>Gross Funds</b>	<b>\$21,604,000</b>	<b>\$19,594,000</b>	<b>\$18,308,922</b>	<b>\$150,000</b>	<b>\$18,458,922</b>

<b><i>Department of Employment Services (CF0)</i></b>					
Local	\$67,634,986	\$60,401,440	\$54,416,172	\$260,420	\$54,676,592
Federal Grants	\$26,647,670	\$33,253,151	\$42,083,598		\$42,083,598
Private Grant	\$1,424,906	\$690,472	\$260,005		\$260,005
Special Purpose Revenue	\$30,994,494	\$49,779,787	\$57,848,273	\$1,249,424	\$59,097,697
Intra-District	\$3,169,282	\$3,116,686	\$1,573,947		\$1,573,947
<b>Gross Funds</b>	<b>\$129,871,337</b>	<b>\$147,241,536</b>	<b>\$156,181,995</b>	<b>\$1,509,844</b>	<b>\$157,691,839</b>

<b><i>Employees' Compensation Fund (BG0)</i></b>					
Local	\$18,041,847	\$25,551,842	\$22,542,849	(\$396,280)	\$22,146,569
<b>Gross Funds</b>	<b>\$18,041,847</b>	<b>\$25,551,842</b>	<b>\$22,542,849</b>	<b>(\$396,280)</b>	<b>\$22,146,569</b>

<b><i>Office of Employee Appeals (CH0)</i></b>					
Local	\$2,100,673	\$2,235,527	\$2,234,311	0	\$2,234,311
<b>Gross Funds</b>	<b>\$2,100,673</b>	<b>\$2,235,527</b>	<b>\$2,234,311</b>	<b>0</b>	<b>\$2,234,311</b>

<b><i>Office of Labor Relations and Collective Bargaining (Part of AE0, Office of City Administrator)</i></b>					
Local	\$1,939,588	\$2,243,467	\$2,402,694	0	\$2,402,694
Intra-District	\$99,557	\$0	\$0	0	\$0
<b>Gross Funds</b>	<b>\$2,039,145</b>	<b>\$2,243,467</b>	<b>\$2,402,694</b>	<b>0</b>	<b>\$2,402,694</b>

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>Public Employee Relations Board (CG0)</i></b>					
Local	\$1,159,942	\$1,321,488	\$1,295,666	0	\$1,295,666
<b>Gross Funds</b>	<b>\$1,159,942</b>	<b>\$1,321,488</b>	<b>\$1,295,666</b>	<b>0</b>	<b>\$1,295,666</b>

<b><i>Unemployment Compensation Fund (BH0)</i></b>					
Local	\$4,955,146	\$5,480,390	\$5,480,390	0	\$5,480,390
<b>Gross Funds</b>	<b>\$4,955,146</b>	<b>\$5,480,390</b>	<b>\$5,480,390</b>	<b>\$0</b>	<b>\$5,480,390</b>

<b><i>Unemployment Insurance Trust Fund (UI0)</i></b>					
Enterprise and Other Funds	\$119,728,692	\$185,382,095	\$464,778,369	\$0	\$464,778,369
Federal Payments	\$0	\$0	\$215,292,455	\$0	\$215,292,455
<b>Gross Funds</b>	<b>\$119,728,692</b>	<b>\$185,382,095</b>	<b>\$680,070,824</b>	<b>\$0</b>	<b>\$680,070,824</b>

<b><i>Universal Paid Leave (UL0)</i></b>					
Enterprise and Other Funds	\$0	\$0	\$271,370,337		\$271,370,337
<b>Gross Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$271,370,337</b>	<b>\$0</b>	<b>\$271,370,337</b>

<b><i>Workforce Investments (UP0)</i></b>					
Local	\$0	\$89,068,228	0	0	0
<b>Gross Funds</b>	<b>\$0</b>	<b>\$89,068,228</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b><i>Workforce Investment Council (part of GW0 Deputy Mayor for Education in FY 2020; part of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)</i></b>					
Local	\$3,091,213	\$4,459,710	\$2,894,923	\$789,625	\$3,684,548
Intra-District	\$1,045,091	\$486,507	\$1,401,831		\$1,401,831
<b>Gross Funds</b>	<b>\$4,136,304</b>	<b>\$4,946,217</b>	<b>\$4,296,754</b>	<b>\$789,625</b>	<b>\$5,086,379</b>

## C. FISCAL YEAR 2021 AGENCY FULL-TIME EQUIVALENT

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>DC Department of Human Resources (BE0)</i></b>					
Local	94.5	106.0	100.0	0	100.0
Special Purpose Revenue	5.9	4.8	5.8	0	5.8
Intra-District	51.2	62.0	39.6	0	39.6
<b>Total</b>	<b>151.6</b>	<b>172.8</b>	<b>145.4</b>	<b>0</b>	<b>145.4</b>

<b><i>Department of Employment Services (CF0)</i></b>					
Local	321.2	228.5	248.5	-6.59	241.89
Federal Grants	258.5	210.8	229.9		229.86
Private Grant	10	6	0		0.00
Special Purpose Revenue	147.6	309	325.5	4.75	330.24
Intra-District	23.6	18.0	6.2		6.20
<b>Total</b>	<b>760.9</b>	<b>772.4</b>	<b>810.0</b>	<b>-1.84</b>	<b>808.19</b>

<b><i>Employees' Compensation Fund (BG0)</i></b>					
Local	47	52	52	-3.00	49.00
<b>Total</b>	<b>47</b>	<b>52</b>	<b>52</b>	<b>-3.00</b>	<b>49.00</b>

<b><i>Office of Employee Appeals (CH0)</i></b>					
Local	15.00	15.00	15.00	0	15.00
<b>Total</b>	<b>15.00</b>	<b>15.00</b>	<b>15.00</b>	<b>0</b>	<b>15.00</b>

<b><i>Office of Labor Relations and Collective Bargaining (Part of AE0, Office of City Administrator)</i></b>					
Local	15.66	17.00	17.00	0	17.00
Intra-District	1.71	0.00	0.00	0	17.00
<b>Total</b>	<b>17.37</b>	<b>17.00</b>	<b>17.00</b>	<b>0</b>	<b>17.00</b>

<b><i>Public Employee Relations Board (CG0)</i></b>					
Local	10.00	9.00	8.00	0	8.00
<b>Total</b>	<b>10.00</b>	<b>9.00</b>	<b>8.00</b>	<b>0</b>	<b>8.00</b>

<b><i>Unemployment Compensation Fund (BH0)</i></b>					
Local	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
<b><i>Unemployment Insurance Trust Fund (UI0)</i></b>					
Enterprise and Other Funds	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b><i>Workforce Investments (UP0)</i></b>					
Local	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b><i>Workforce Investment Council (part of GW0 Deputy Mayor for Education in FY20; part of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)</i></b>					
Local	4.21	6.31	9.61	1.0	10.61
Intra-District	4.61	3.69	3.39		3.39
<b>Total</b>	<b>8.82</b>	<b>10.00</b>	<b>13.00</b>	<b>1.0</b>	<b>14.0</b>

## D. FY 2021 - 2026 AGENCY CAPITAL BUDGET SUMMARY

Project No	Project Title	Fund Detail	Fund	Allotment Scenario	Sum of Unspent Allotment as of 5-16-20	Available Allotment as of 5-16-20 (Includes Pre-Encumbrances)	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-yr Total	
<b>DEPARTMENT OF EMPLOYMENT SERVICES (CFO)</b>														
PFL08C	PAID FAMILY LEAVE IT APPLICATION	304	Short-term Bonds	Available Balances	43,552,096	43,536,700	0	0	0	0	0	0	0	
				Committee's FY21 Recommendation	0	0	0	0	0	0	0	0	0	
		314	Restricted Paygo	Available Balances	10,164,709	5,281,917	0	0	0	0	0	0	0	
				Committee's FY21 Recommendation	0	0	0	0	0	0	0	0	0	
<b>PFL08C Total</b>					<b>53,716,805</b>	<b>48,818,617</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
SNTRCC	DC INFRASTRUCTURE ACADEMY	300	GO/IT Bonds	Mayor's Proposed FY21 CIP Change	0	0	0	26,473,850	14,255,150	0	0	0	40,729,000	
				Available Balances	7,476,858	7,476,858	0	0	0	0	0	0		
				Committee's FY21 Recommendation	0	0	0	0	0	0	0	0	0	
		301	Paygo	Approved FY20 CIP for FY21-25	0	0	2,300,000	4,300,000	4,300,000	0	0	0	0	10,900,000
				Mayor's Proposed FY21 CIP Change	0	0	(2,300,000)	(4,300,000)	(4,300,000)	0	0	0	(10,900,000)	
		306	Private Donations	Available Balances	3,635,000	3,635,000	0	0	0	0	0	0	0	
				Committee's FY21 Recommendation	0	0	0	0	0	0	0	0	0	
<b>SNTRCC Total</b>					<b>11,111,858</b>	<b>11,111,858</b>	<b>0</b>	<b>26,473,850</b>	<b>14,255,150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,729,000</b>	
UIM02C	UI MODERNIZATION PROJECT-FEDERAL	300	GO/IT Bonds	Available Balances	(100,900)	(749,166)	0	0	0	0	0	0	0	
						Committee's FY21 Recommendation	0	0	0	0	0	0	0	0
				Approved FY20 CIP for FY21-25	0	0	7,450,000	0	0	0	0	0	0	7,450,000
		304	Short-term Bonds	Mayor's Proposed FY21 CIP Change	0	0	(5,450,000)	5,450,000	0	0	0	0	0	0
				Available Balances	21,647,605	12,279,552	0	0	0	0	0	0	0	0
						Committee's FY21 Recommendation	0	0	0	0	0	0	0	0
350	Federal HTF	Available Balances	6,639,899	6,639,899	0	0	0	0	0	0	0	0		
				Committee's FY21 Recommendation	0	0	0	0	0	0	0	0		
<b>UIM02C Total</b>					<b>28,186,605</b>	<b>18,170,286</b>	<b>2,000,000</b>	<b>5,450,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,450,000</b>	
<b>CFO Total</b>					<b>93,015,268</b>	<b>78,100,761</b>	<b>2,000,000</b>	<b>31,923,850</b>	<b>14,255,150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48,179,000</b>	

## E. TRANSFERS IN FROM OTHER COMMITTEES

<i>Sending Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving agency</i>	<i>Program</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Judiciary	\$150,000	0	Department of Human Resources (BE0)	4520 Policy	To fund BSA subtitle "District Government Transgender Employment Study Act of 2020"	One-time
<b>Total</b>	<b>\$150,000</b>	<b>0</b>				<b>\$150,000 total</b>

## F. TRANSFERS OUT TO OTHER COMMITTEES

<i>Receiving Committee</i>	<i>Amount</i>	<i>FTEs</i>	<i>Receiving agency</i>	<i>Program</i>	<i>Purpose</i>	<i>Recurring or One-Time</i>
Committee on Government Operations	\$1,853,227	10	Office of Human Rights (HM0)	2000 Equal Justice	To fund staff and expenses for enforcement of the Universal Paid Leave Act anti-retaliation	Recurring
Committee on Judiciary	\$127,986	1	Office of the Attorney General (CB0)	5406 Social Justice Section	Enhancement for 1 FTE (Wage Theft Attorney)	Recurring
<b>Total</b>	<b>\$1,981,213</b>					<b>\$1,981,213</b>

## G. FUNDING OF BUDGET SUPPORT ACT SUBTITLES

<i>Subtitle</i>	<i>Agency</i>	<i>Program</i>	<i>Amount</i>	<i>FTEs</i>
District Government Transgender Employment Study Act of 2020	DCHR (BE0)	4250 (Policy)	\$150,000	0
Healthcare Workforce Partnership Establishment Act of 2020	WIC (GW0 Program 3000)	3012 (Workforce Investment)	\$689,625	1
DC Infrastructure Academy Employer Engagement Amendment Act of 2020	DOES (CF0)	4260 (DCIA)	\$129,462	1
School Year Internship Pilot Program Amendment Act of 2020	DOES (CF0)	4810 (Year Round Youth)	\$915,669	5
Workplace Leave Navigators Program Establishment Amendment Act of 2020	DOES (CF0)	6200 (PFL Benefits)	\$750,000	0

## H. FUNDING OF PENDING BILLS OR LAWS PASSED SUBJECT TO APPROPRIATION

<i>Bill or Law #</i>	<i>Status</i>	<i>Agency</i>	<i>Program</i>	<i>Amount</i>	<i>FTEs</i>
L22-196: Tipped Wage Workers Fairness Amendment Act of 2018	Passed subject to appropriations	DOES	3200, Office of Wage Hour	One-time \$100,000	0

## I. SUMMARY OF COMMITTEE BUDGET RECOMMENDATIONS

Please see the Executive Summary (Chapter I.A) and Attachment A to this report.

## II. AGENCY FISCAL YEAR 2021 BUDGET RECOMMENDATIONS

### A. INTRODUCTION

The Committee on Labor and Workforce Development is responsible for oversight of public and private sector employee and employer issues. This includes District employee personnel, disciplinary, appeal, and union matters; private sector labor standards including the minimum wage, paid sick and safe time, paid family and medical leave; private sector workers' compensation; unemployment insurance; and job training and workforce development programs.

The District agencies, boards, and commissions that come under the Committee's purview are as follows:

- Adult Career Pathways Taskforce
- Apprenticeship Council
- Department of Employment Services
- Department of Human Resources
- Employees' Compensation Fund
- Labor/Management Partnership Council
- Occupational Safety and Health Board
- Office of Employee Appeals
- Office of Labor Relations and Collective Bargaining
- Public Employees Relations Board
- Unemployment Compensation Fund
- Workforce Investment Council
- Youth Apprenticeship Advisory Committee

The Committee is also taking responsibility for the budget of Universal Paid Leave (UL0), which is a new agency created in the FY2021 budget that collects contributions to and pays for expenses of the Universal Paid Leave program, as established by D.C. Law 21-264.

The Committee is chaired by Councilmember Elissa Silverman (At-Large). The other members of the Committee are Councilmembers Charles Allen (Ward 6), David Grosso (At-Large), Kenyan McDuffie (Ward 5), and Robert White (At-Large).

The Committee held performance and budget oversight hearings on the following dates:

<b><i>Performance Oversight Hearings</i></b>	
<b>February 21, 2020</b>	Department of Human Resources Office of Labor Relations and Collective Bargaining
<b>March 4, 2020</b>	Department of Employment Services (Public Witnesses) Workforce Investment Council (Public Witnesses)
<b>March 6, 2020</b>	Department of Employment Services (Government Witnesses) Workforce Investment Council (Government Witnesses)

<b><i>Budget Oversight Hearings</i></b>	
<b>May 28, 2020</b>	All agencies within the Committee's purview (public witnesses)
<b>June 4, 2020</b>	Department of Employment Services (government witnesses)

The Committee received important comments from members of the public and government witnesses during these hearings. Copies of witness lists and witness testimony from the two budget hearings are included in this report as Attachment C. Copies of witness lists and witness testimony from the three performance oversight hearings may be found on the Legislative Information Management System at [http://lims.dccouncil.us/\(HR23-75 and HR23-77, and HR23-78\)](http://lims.dccouncil.us/(HR23-75%20and%20HR23-77,%20and%20HR23-78)). A video recording of all hearings can be obtained through the DC Council video archive at <http://dccouncil.us/video-archive/>.

## B. DC DEPARTMENT OF HUMAN RESOURCES (BE0)

### 1. AGENCY MISSION AND OVERVIEW

The mission of the D.C. Department of Human Resources (“DCHR”) is to strengthen individual and organizational performance and enable the District government to attract, develop, and retain a highly qualified, diverse workforce.

DCHR offers executive management to District government officials and agencies by providing personnel-related services to help each agency meet daily mission mandates. Specific services provided include position classification and recruitment services, the interpretation of personnel-related policy, as well as oversight control (such as the adherence to regulatory requirements) for effective recruitment and staffing, strategic and financial restructuring through realignment assistance, and resource management. In addition, the agency provides District government employees with a variety of services, including employee benefits and compensation guidance, performance management, compliance, audit assessments, legal guidance on personnel matters, and learning and development.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local Fund	\$11,201,000	\$11,363,000	\$10,368,875	\$150,000	\$10,518,875
Special Purpose Funds (O'type)	\$-786,000	\$448,000	\$7,346,834		\$593,214
Operating Intra-District Funds	\$11,189,000	\$7,782,000	\$593,214		\$7,346,834
<b>Gross Funds</b>	<b>\$21,604,000</b>	<b>\$19,594,000</b>	<b>\$18,308,922</b>	<b>\$150,000</b>	<b>\$18,458,922</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	94.5	106.0	100.0	0	100.0
Special Purpose Funds (O'type)	5.9	4.8	5.8	0	5.8
Operating Intra-District Funds	51.2	62.0	39.6	0	39.6
<b>Total</b>	<b>151.6</b>	<b>172.8</b>	<b>145.4</b>	<b>0</b>	<b>145.4</b>

**Fiscal Year 2021 Operating Budget, By Program (Gross Funds)**

<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Agency Management	\$4,134,561	\$4,530,344	\$5,071,380		\$5,071,380
1300	Policy and Program Development	(\$601,914)				
2100	General Counsel	\$789,685	\$940,906	\$1,516,989		\$1,516,989
2200	Benefits and Retirement Services	\$3,418,553	\$2,843,865	\$3,228,779		\$3,228,779
2700	HR Solutions	\$4,826,081	\$4,979,875	\$4,725,031		\$4,725,031
3000	Learning and Development	\$5,244,863	\$2,881,566	\$1,998,134		\$1,998,134
4300	Strategic Human Capital	\$632,296	\$523,239	\$503,177		\$503,177
4500	Policy and Compliance	\$3,160,240	\$2,894,221	\$1,265,433	\$150,000	\$1,415,433
	<b>Total</b>	<b>\$21,604,365</b>	<b>\$19,594,016</b>	<b>\$18,308,922</b>	<b>\$150,000</b>	<b>\$18,458,922</b>

**Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)**

<i>Comp Source Group</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
11	Regular Pay - Continuing Full Time	\$9,193,344	\$11,086,133	\$11,975,675		\$11,975,675
12	Regular Pay - Other	\$5,944,936	\$2,170,189	\$517,774		\$517,774
13	Additional Gross Pay	\$308,769	\$0			
14	Fringe Benefits - Current Personnel	\$1,292,472	\$2,832,714	\$2,665,233		\$2,665,233
15	Overtime Pay	\$39,525	\$0			
20	Supplies and Materials	\$91,042	\$148,120	\$148,120		\$148,120
31	Telephone, Telegraph, Telegram, Etc	\$15,250	\$0	\$15,000		\$15,000
40	Other Services and Charges	\$637,222	\$1,263,798	\$464,625	\$150,000	\$614,625
41	Contractual Services - Other	\$3,719,344	\$2,070,562	\$2,500,122		\$2,500,122
70	Equipment & Equipment Rental	\$362,462	\$22,500	\$22,373		\$22,373
	<b>Total</b>	<b>\$21,604,365</b>	<b>\$19,594,016</b>	<b>\$18,308,922</b>	<b>\$150,000</b>	<b>\$18,458,922</b>

**Summary of Proposed Operating Budget**

The Mayor's FY 2021 budget proposal for DCHR is \$18,308,922, a decrease of \$1,285,094, or 6.6 percent, from the FY 2020 approved budget of \$19,594,016. (The FY 2021 proposal is a 11.9 percent reduction from the FY 2020 revised budget of \$20,798,279,

as of May 2020.) This budget would support 145.4 FTEs, a decrease of 27.4 FTEs from the current fiscal year of 172.8 FTEs.

**Local Funds:** The Mayor’s proposed local funds budget is \$10,368,875, an 8.75 percent decrease from the approved budget for the current fiscal year of \$11,363,355. The proposed budget would support 100.0 FTEs, a decrease of 6.0 FTEs from the current fiscal year’s 106.0 approved FTEs.

**Intra-District Funds:** The Mayor’s proposed intra-district funds budget is \$7,346,834, a decrease of 5.6 percent from the current fiscal year’s approved budget of \$7,782,429. (The FY 2020 revised budget is \$8,858,399.) The proposed budget would support 39.6 FTEs, a decrease of 22.4 FTEs from the current fiscal year. These FTEs are primarily represented by the shift of approximately two dozen interns from DCHR’s budget to DOES’s budget.<sup>5</sup>

**Special Purpose Revenue (SPR):** The Mayor’s proposed SPR budget is \$593,214, an increase of 32.3 percent over the current fiscal year’s approved budget of \$448,232. The proposed budget would support 5.8 FTEs, an increase of 1.0 FTEs over the current fiscal year.

## **Committee Analysis and Recommendations**

### **a. Budget Recommendations**

#### ***1. Fund the District Government Transgender Employment Study Act of 2020 (BSA Subtitle)***

The Committee recommends \$150,000 to fund DCHR to contract with an entity to study the employment of transgender and non-binary individuals in District agencies and District agencies’ employment practices as they relate to individuals who identify as transgender or non-binary with the goal of hiring more transgender and non-binary individuals and serving as a model for other employers.

### **b. Policy Recommendations**

#### ***1. Provide timely and clear guidance to employees and agencies, particularly in emergencies***

The public health crisis caused by COVID-19 presented and continues to present critical policy and human capital challenges at all District agencies. At the same time, the coronavirus crisis was a time of immense stress for employees. Many employees felt at risk of contracting the illness. Others were required to make changes they were not comfortable with, such as working from home or taking on different duties, but for many,

---

<sup>5</sup> The internship program, Learn Earn Advance and Prosper, was later cancelled by DOES and is eliminated in the FY 2021 proposed DOES budget.

this was not possible due to loss of child care and other supports. Not knowing whether or for how long their paycheck would continue added to employees' stress.

DCHR is responsible for issuing essential guidance and implementing the District's employee benefits and leave policies, which includes implementing new federal paid sick time and family and medical leave laws. The Committee makes the following recommendations based on observations during the coronavirus emergency

**a. Provide guidance as quickly as possible.**

The Committee received numerous questions about the availability of paid leave, particularly once the federal government passed the federal Families First Coronavirus Response Act was enacted on March 18, 2020, providing paid sick time and paid family and medical leave; Other questions concerned whether employees would be paid hazard pay; the right to refuse work under what employees believed were unsafe conditions, and more.

DCHR published a policy issuance, effective March 11, 2020, which covered many topics, but did not always provide definitive answers on every topic<sup>6</sup>. On the federal sick leave the requirement was active beginning April 1, 2020, and DCHR released guidance on May 4, 2020, dated April 2, 2020.<sup>7</sup>

The Committee commends DCHR for releasing the initial issuance quickly, but employees would have been helped by having information earlier on the sick leave. The Committee recommends that future guidance be issued quickly and updated regularly as circumstances change (such as new federal laws). DCHR should also develop lay-language fact sheets available on the DCHR website and cross-posted to individual agencies' intranets to ensure that employees are informed of both their rights and the processes to access new benefits.

**b. Provide uniform guidance to employees and agencies whenever possible**

Many policy decisions were left up to individual agencies to determine—a typical situation in District government human resources policy that is sometimes unavoidable, but which generates questions year-round. For example, the March 11 issuance “encouraged” agencies and reminded agencies of “authority” and “flexibility”, but by and large did not set clear, bright-line rules. If an issue must be determined on a case-by-case basis, the Committee recommends that DCHR set up a hotline for employees to email or call in order to get answers applicable to their specific case.

---

<sup>6</sup> DCHR, “Human Resource Flexibilities and the Coronavirus Disease (COVID-19),” Issuance number 2020-04, effective March 11, 2020.

<sup>7</sup> DCHR, “COVID-19 Sick Leave,” Issuance Number 2020-11, April 2, 2020, available at <https://edpm.dc.gov/issuances/covid-19-sick-leave/>.

Furthermore, DCHR should strive to issue guidance that offers unitary policy across agencies whenever possible. During the coronavirus emergency, many employees had questions about whether they had to use their personal, accrued sick time; if they could use the special federal leave; or if they could be placed on administrative leave. (Administrative leave is paid for by the employer and does not reduce an employee’s own accrued leave.) The answer was difficult to discern. Information on the DCHR website said that “Administrative Leave *will be granted* to cover an absence for employees who are quarantined or who have a legitimate basis to self-quarantine as a result of the COVID-19, and who can otherwise not telework, with medical support” (emphasis added).<sup>8</sup> However, an issuance released March 29, 2020, said that agencies “*may authorize*” administrative leave (emphasis added) —meaning it is discretionary and different agencies might have different policies.<sup>9</sup> Several unions contacted the Committee to ask questions about administrative leave. They reported that at least some employees were not provided administrative leave and were instead directed to use their accrued personal leave.

## ***2. Work to increase the portion of District government employees who live in the District***

A priority of the Committee is to increase the number of District government employees who live in the District. When employees live in the District, they are part of the community they are serving, and they also contribute to the tax base. In FY2019, 43% of all District employees were residents, and just over half of new hires (51%) were DC residents.<sup>10</sup> These numbers are essentially the same as the previous year, FY2018. The director testified at the performance oversight hearing that everything DCHR does regarding recruitment is designed around District residents. However, many people who start out living in the District eventually move to Maryland or Virginia; therefore, it is hard to increase the overall percentage of employees who live in the District.

The District must do more to attract more District residents into government employment and make it more attractive and possible for employees to maintain District residency in the long term. Additionally, DCHR should consistently audit employees’ residency to make sure that employees who are required to maintain District residency do so. The Committee recommends the following actions to achieve these goals:

---

<sup>8</sup> DCHR, “COVID -19 Coronavirus Workforce Guidance,” March 11, 2020, available at <https://dchr.dc.gov/release/covid-19-coronavirus-workforce-guidance>.

<sup>9</sup> DCHR, “Human Resources Guidance for the COVID-19 Emergency (March 26 Update),” Issuance 2020-05, March 29, 2020, available at <https://edpm.dc.gov/issuances/human-resources-guidance-covid-19-emergency/#header5>.

<sup>10</sup> DCHR, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” Feb. 21, 2020, Response to Question 4, in Attachment 3, available at page 6 of <https://dccouncil.us/wp-content/uploads/2020/01/DCHR-POH-2020-Attachments-Combined-without-MOUs-MOAs.pdf>.

**a. Increase target for percent of new hires who are District residents.**

Setting strong goals is important to inspire effort and make progress toward the goal. Two years ago, DCHR lowered its goal for the percent of new hires who are District residents from 60 percent to 55 percent. That remains the goal for FY2020.<sup>11</sup> As noted, that is just 4 percentage points above the current rate. DCHR should increase this goal at least to where it was before, 60 percent.

**b. Analyze agency-level hiring rates**

The Committee observed in performance oversight data that some agencies hire a significantly higher percentage of District residents than others. Furthermore, some agencies have a higher portion of applications from District residents than the portion of those actually hired.<sup>12</sup> DCHR should analyze agency-level data to determine which agencies should be targeted for improvements in this area, and assist in crafting agency-specific recruitment strategies to meet the District’s hiring goal. DCHR should also identify agencies that have greater portions of new hires who are District residents to learn what they are doing well and potentially apply those lessons to other agencies.

**c. Continue implementing the Pathways to District Government Careers Act**

In 2019, the Council passed and funded the Pathways to District Government Careers Amendment Act (“Pathways Act,” Law 22-211). The Act’s provisions aim to increase the hiring of District residents into District government employment. It has three main parts: first, to require that graduates of DC high schools receive priority consideration for entry-level jobs; second, the creation of apprenticeships in 5 occupations within 2 years; and third, the creation of partnerships between DCHR and DC high schools to prepare students for future District employment. DCHR is responsible for implementing most provisions of this law. DCHR has begun implementation, which includes hiring new staff. Some outstanding items remain, and the Committee encourages and expects full and timely implementation of all aspects of the Act.

First, DCHR must upgrade the personnel IT system, People Soft, to capture data on the location of high school graduation to identify and confirm whether an applicant graduated from a District high school and is thus entitled to priority consideration for entry level-jobs under the Pathways Act. The director reported at the performance oversight hearing that the IT upgrade had been accomplished, but the agency is looking into ways to verify the information. They have begun development of an “issuance” (sub-regulatory guidance) to agencies with instructions on the first-priority requirements. DCHR also held a meeting with human resources officers across agencies to receive feedback on the process. DCHR should complete and publish the issuance as well as begin requiring that the priority consideration process should be followed.

---

<sup>11</sup> PO responses performance plan, Attachment 5.

<sup>12</sup> Data maybe found in PO responses attachments 46 and 47.

Additional requirements include

- A report. Each subordinate agency head shall submit to the Mayor an annual report detailing, for each new employee hired into an entry-level job during the reporting period, whether the employee is a resident District graduate. The Committee anticipates this information will be included into the more general annual report regarding District residency of employees, which is due each year on December 1 (as per D.C. Official Code § 1–515.06).
- Performance plan content. The Mayor shall integrate into each subordinate agency's annual performance objectives the target percentage of new hires into entry-level jobs who are resident District graduates. The Committee expects this will be done for FY2021, as the People Soft upgrades and guidance will be completed.
- Annual audits. The Mayor shall conduct annual audits of each subordinate agency's personnel records to ensure that all persons receiving resident District graduate consideration priority submitted requisite proof of entitlement.

The second area of the Pathway's Act that DCHR is responsible for implementing is the creation of partnerships between DCHR and District high schools. These schools may include public schools, charter schools, or adult education schools. The director testified at the performance oversight hearing that DCHR has reached out to several schools, including Phelps, Roosevelt, Roosevelt STAY, and others. DCHR is also working with DC Public Schools. DCHR also plans to reach out to DOES' summer youth program. The Committee looks forward to learning more about the components and results of these partnerships.

The final area of the Pathways Act is the creation of public sector apprenticeships within District government. This will occur in partnership with DOES. The law requires five apprenticeships (i.e., apprenticeship programs in five occupations), including one in information technology and one in healthcare. The DCHR director mentioned at the performance hearing several occupations under consideration for the first apprenticeships, including police cadets at MPD, bus attendants at OSSE, and safety technicians at DDOT. DCHR is receiving feedback from agencies about other possibilities, notability in the healthcare and IT spaces.

The Pathways Act requires that DCHR and DOES submit to the Council a plan for creating and administering apprenticeship programs in the apprenticeable occupations . This plan was due by March 31, 2020. As of early June 2020, this report was not submitted to the Committee. Additionally, the agencies must submit an annual report beginning December 1, 2020, on the apprenticeship initiative. Details are laid out in D.C. Code § 1–610.85. Finally, By October 1, 2021, DCHR must provide to the Council a 3-year plan for the establishment of additional apprenticeship programs in apprenticeable occupations for which no apprenticeship program exists. The Committee encourages all of these reports to be submitted by their deadlines and with complete information.

**d. Fully transition from paper-based residency verification to electronically-based verification, as required by the District Employee Residency Amendment Act**

The District Employee Residency Amendment Act (law 22-315), became effective in May 2019. The law streamlined the residency requirements and application preference points provisions of the law, as well transitions from a paper-based to an automated verification system for new and continuing employees. The Mayor is required to conduct annual audits of portions of District government. The new automated system will utilize records from DC’s Department of Motor Vehicles and the state of tax withholdings as an initial screening for residency—this will be a great improvement over the previous requirement of 8 paper proofs to be submitted on an annual basis.

There will be two components to the verification of residency. First is the upon-hire check, when the hiree shows his or her District identification to HR. The second component is annual verification through DMV data sharing. As of the February performance oversight hearing, the DMV connection was not yet implemented, and some agencies were still requiring paper proofs, as reported to the Committee by employees. As of early June, the data sharing had not been set up, and DCHR was requesting that agencies provide identity information for DCHR to verify online. While the Committee would like to see the data sharing set up to increase efficiency, it is most important that DCHR conducts the verification, and without burdening employees with multiple paper proofs. DCHR should work expeditiously to implement the DMV data connection and should check with each agency—including independent agencies, as appropriate—to ensure they are no longer requiring paper proofs of residency.

**e. Develop recommendations for benefits or policies to incentivize District residency**

The District is prohibited by the Home Rule Act from mandating that all government employees be District residents. Certain categories of workers are required to maintain residency, but they represent only a small fraction of the workforce. DCHR should development administrative and legislative recommendations for policies or benefits that would be available only to District resident employees, in order to incentivize employees to establish and maintain residency in the District.

***3. Centrally track grievances and complaints across government, to identify patterns or problems***

The Committee has noticed an uptick in the number of complaints to the Committee from District government employees and is concerned about the level of discontent and even possible mistreatment of employees across government. The Committee also noticed that employees at certain agencies had filed significantly more complaints and grievances with DCHR than had employees at other agencies. In addition, many grievances and complaints are resolved through grievance processes mandated by negotiated Collective Bargaining agreements, and DCHR is generally not aware of them.

At the performance oversight hearing, the director reported that DCHR does not centrally track grievances filed at other agencies. The Committee encourages DCHR to begin to track all manner of complaints and grievances filed at subordinate agencies, in order to identify patterns that could indicate problems at certain agencies. With this information, DCHR could investigate further and help resolve any problems. Without the information, DCHR is in the dark and cannot help employees or agencies.

#### ***4. Develop a guide for employees to file complaints with the right entities***

There are multiple potential avenues for District government employees to file complaints. The correct avenue depends on which agency the employee works for, what the matter is, when it happened, whether the employee is in a union or not, and potentially other factors. This is very difficult for employees to navigate.

DCHR should develop a guide for employees to assist them in identifying the correct agencies with which to file a complaint. DCHR should also clarify on its website which kinds of specific complaints should be filed with DCHR, and who may file them.<sup>13</sup> Because of the wide range of matters that might be a subject of a complaint, DCHR should begin with some of the most common. The Committee has observed that complaints and grievances tend to focus on discipline, retirement benefits, leave-taking rights, discrimination, sexual harassment, and disagreements with supervisors.

### **3. FY 2021-2026 CAPITAL BUDGET**

DCHR has no capital budget for FY 2021-2026.

### **4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

1. Increase Program 4500 (Program and Compliance) Activity 4520 (Policy) CSG 40 by \$150,000 to fund a contract for a study on transgender and nonbinary employees and job applicants.

#### **b. 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

---

<sup>13</sup> The current grievance form is available at [https://dchr.dc.gov/sites/default/files/dc/sites/dchr/publication/attachments/dchr\\_grievance\\_form.pdf](https://dchr.dc.gov/sites/default/files/dc/sites/dchr/publication/attachments/dchr_grievance_form.pdf).

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

## C. DEPARTMENT OF EMPLOYMENT SERVICES (CF0)

### 1. AGENCY MISSION AND OVERVIEW

The Department of Employment Services (“DOES”) has a mission to advance the welfare of job seekers and wage earners by improving their working conditions, by creating opportunities for employment, by helping employers find workers, and by tracking changes in employment and other national economic measurements impacting the District of Columbia.

DOES also provides tools for the District of Columbia workforce to become more competitive using tailored approaches to ensure that workers and employers are successfully paired.

The agency implements these objectives through seven divisions: 1) Agency Management, which provides administrative support and the required tools to achieve operational programmatic results; 2) Unemployment Insurance, which provides basic income replacement to workers who lose work through no fault of their own; 3) Labor Standards, which enforces wage and hour laws and oversees workers’ compensation for the District’s private sector workforce; 4) Workforce Development, which provides employment-related services for unemployed or underemployed residents so that they can achieve economic security and compete in the global economy; 5) State Initiatives, which includes two locally-funded signature programs that provide employment services such as training, subsidized work experiences, and supportive services to underserved adults who face multiple barriers to employment; 6) Office of Paid Family Leave, which will implement the Universal Paid Leave Act to provide wage replacement benefits to individuals in need of leave from work due to medical or caregiving needs of one’s family or self; and 7) Agency Financial Operations, which provides accounting and budget services to, and on behalf of, District agencies.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$67,634,986	\$60,401,440	\$54,416,172	\$260,420	\$54,676,592
Federal Grants	\$26,647,670	\$33,253,151	\$42,083,598		\$42,083,598
Private Grant	\$1,424,906	\$690,472	\$260,005		\$260,005
Special Purpose Revenue	\$30,994,494	\$49,779,787	\$57,848,273	\$1,249,424	\$59,097,697
Intra-District	\$3,169,282	\$3,116,686	\$1,573,947		\$1,573,947
<b>Gross Funds</b>	<b>\$129,871,337</b>	<b>\$147,241,536</b>	<b>\$156,181,995</b>	<b>\$1,509,844</b>	<b>\$157,691,839</b>

**Fiscal Year 2021 Full-Time Equivalents, By Revenue Type**

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	321.2	228.5	248.5	-6.59	241.89
Federal Grants	258.5	210.8	229.9		229.86
Private Grant	10	6	0		0.00
Special Purpose Revenue	147.6	309	325.5	4.75	330.24
Intra-District	23.6	18.0	6.2		6.20
<b>Total</b>	<b>760.9</b>	<b>772.4</b>	<b>810.0</b>	<b>-1.84</b>	<b>808.19</b>

**Fiscal Year 2021 Operating Budget, By Activity (Gross Funds)**

<i>Program</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
100F Agency Financial Operations	\$3,110,218	\$3,731,673	\$3,839,258		\$3,839,258
1000 Agency Management	\$10,133,035	\$10,158,012	\$11,304,689	(\$97,264)	\$11,207,425
2000 Unemployment Insurance	\$24,355,647	\$28,302,196	\$27,386,249		\$27,386,249
3000 Labor Standards	\$17,718,420	\$22,286,013	\$24,869,733	\$100,000	\$24,969,733
4000 Workforce Development	\$54,376,601	\$58,299,977	\$57,029,452	\$872,413	\$57,901,865
5000 State Initiatives	\$16,817,135	\$15,022,022	\$12,192,628	(\$115,305)	\$12,077,323
6000 Paid Family Leave	\$3,368,300	\$9,441,643	\$19,559,985	\$750,000	\$20,309,985
<b>Total</b>	<b>\$129,871,337</b>	<b>\$147,241,536</b>	<b>\$156,181,995</b>	<b>\$1,509,844</b>	<b>\$157,691,839</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<b>Comp Source Group</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
11	Regular Pay - Continuing Full Time	\$37,741,095	\$44,755,552	\$52,558,918	(\$112,350)	\$52,446,568
12	Regular Pay - Other	\$13,033,141	\$15,524,451	\$13,707,432	\$160,940	\$13,868,372
13	Additional Gross Pay	\$295,762	\$0			
14	Fringe Benefits - Current Personnel	\$11,477,678	\$13,592,530	\$14,976,186		
15	Overtime Pay	\$438,454	\$0	\$0		\$0
20	Supplies and Materials	\$510,797	\$770,520	\$912,999	(\$22,595)	\$890,404
30	Energy, Communications, and Building Rentals	\$601,873	\$844,826	\$796,591		\$796,591
31	Telephone, Telegraph,	\$986,909	\$1,077,930	\$968,264		\$968,264
32	Rentals - Land and Structures	\$231,291	\$231,291	\$3,830,147		\$3,830,147
34	Security Services	\$1,589,848	\$972,939	\$1,681,794		\$1,681,794
35	Occupancy Fixed Costs	\$2,013,319	\$1,588,369	\$1,235,341		\$1,235,341
40	Other Services and Charges	\$15,434,886	\$15,417,739	\$16,839,825	\$393,210	\$17,233,035
41	Contractual Services - Other	\$7,293,945	\$13,607,068	\$14,586,165	(\$271,765)	\$14,314,400
50	Subsidies	\$37,507,052	\$37,556,934	\$32,553,345	\$1,351,424	\$33,904,769
70	Equipment & Equipment Rental	\$715,288	\$1,301,387	\$1,534,986		\$1,534,986
	<b>Total</b>	<b>\$129,871,337</b>	<b>\$147,241,536</b>	<b>\$156,181,995</b>	<b>\$1,509,844</b>	<b>\$157,691,839</b>

### Summary of Proposed Operating Budget

The Mayor's FY2021 budget proposal for DOES is \$156,181,995 an increase of \$8,940,459, or 6.1 percent, from the current fiscal year's approved budget of \$147,241,536. The proposed budget would support staff of 810.03 FTEs, an increase of 37.6, or 4.9 percent, over the current fiscal year.

**Local Funds:** The Mayor's FY2021 local funds budget proposal for DOES is \$54,416,172 a decrease of \$5,985,268 or 9.9 percent, from the current fiscal year's approved budget of \$60,401,440. The proposed local budget would support 248.5 FTEs, an increase of 20.0 FTEs over the current fiscal year.

**Special-Purpose Revenue:** The Mayor's FY2021 special-purpose revenue funds budget proposal for DOES is \$57,848,273 an increase of \$8,068,486 or 16.2 percent, from the current fiscal year's approved budget of \$49,779,787. The proposed special-purpose revenue funds budget would support 325.5 FTEs, an increase of 16.4 FTEs over the current fiscal year.

**Federal Grant Funds:** The Mayor's FY2021 federal grant funds budget proposal for DOES is \$42,083,598, an increase of \$8,830,447, or 26.6 percent, from the current

fiscal year's approved budget of \$33,253,151. The proposed federal grant funds budget would support 229.9 FTEs, an increase of 19.0 FTEs from the current fiscal year.

***Private Grant Funds:*** The Mayor's FY2021 private grant funds budget proposal for DOES is \$260,005, a decrease of \$430,467, or 62.3 percent, from the current fiscal year's approved budget of \$690,472. The proposed private grant funds budget would support 0 FTEs, a decrease of 6 FTEs from the current fiscal year.

***Intra-District Funds:*** The Mayor's FY2021 intra-district funds budget proposal for DOES is \$1,573,947 a decrease of \$1,542,739 or 49.5 percent, over the current fiscal year's approved budget of \$3,116,686. The proposed intra-district funds budget would support 6.2 FTEs, a decrease of 11.8 FTEs over the current fiscal year.

## **Committee Analysis and Recommendations**

### **a. Budget Recommendations**

#### ***1. Maintain funding for workforce development programmatic needs as proposed.***

The novel coronavirus has upended the District's economy and our unemployment rate. At the time of this committee budget report, approximately one out of seven District workers has filed for unemployment assistance. Though no one has been spared the impact on daily life due to COVID-19, data has shown that the virus has had a disproportionate effect on Black and Latino residents in our city, both in terms of health and finances. As we move toward recovery, it is likely that those same communities on the whole will take longer to recover from this health and fiscal crisis, as we saw after the Great Recession, and that priority needs to be placed on funding programs that are designed to help address this economic inequity.

Given this incredible situation, the Committee believes it is necessary to approach the budget in workforce development with an eye to recovery and making sure monies and programs are in place to help. While the Committee will continue to push for information and evidence-based approaches that lead to resident success attaining living wage jobs and careers that can support their families, the Committee also believes that resources need to be protected in workforce development because the reduction in revenue has made taxpayer dollars even more precious resources. Therefore, the Committee recommends maintaining the programmatic funds proposed by the Mayor for several workforce development programs or budget lines that have received extra focus from the Committee in the last year. Even with the recommendation of preserving the mayor's mark, the Committee will continue to ask for the information needed to assess and adjust programs to help residents connect to good jobs. In fact, coronavirus has upped the ante even more that our spending on workforce development leads to living wage career paths, particularly for our residents of color and those who have barriers to employment such as our returning citizens.

The efficacy of our workforce programs and spending still needs clarity. The Committee has been challenged in its oversight and budgeting functions by a lack of performance and outcomes data for several programs.<sup>14</sup> These included longstanding programs as well as pilot projects, large programs and small.

As a result, the Committee took steps through the budget last year to encourage DOES to provide performance outcomes information. Historically, each year, a program's funding has been assumed to continue, regardless of demonstrating program efficacy. In the FY2020 budget, the Committee recommended that \$5.8 million in recurring workforce development programmatic funding be funded for one-year, with a majority of what is known as out-years spending put in another budget line for safekeeping. These budget changes were meant to encourage DOES to demonstrate to the Mayor, and then the Council, that the recurring funding was worth restoring in the FY2021 budget. The Committee's FY2020 recommendation was not meant to be a punitive measure. Rather, these funds on a year-to-year approval basis was meant to spur the agency to track and report information that demonstrated the outcomes of the programs. The programs that saw one-time funds are analyzed in greater detail below: Local Adult Training, the DC Infrastructure Academy, Project Empowerment, and DC Career Connections.<sup>15</sup>

There was some success in greater information sharing and collaboration between DOES and the Committee, and we hope to continue down this productive road. The Committee did see an improvement in the agency providing data about the programs' services, outcomes, and successes at the program level, and the Committee commends DOES for working with us to provide a great deal of information. The information came in two main submissions. First, the Committee submitted queries in advance of hearings held in Fall 2019. These included detailed data rubrics, organized by cohort, to very clearly establish a baseline of data. These are available online.<sup>16</sup> An update and expansion of the information provided came in the agency's responses to the Committee's annual performance oversight questions.<sup>17</sup>

To better understand and fully appreciate the performance of the workforce programs, the Committee held two public oversight roundtables in Fall 2019 to shine a

---

<sup>14</sup> The data available was limited to DOES' FY2019 Performance Plan on the OCA's website, available at <https://oca.dc.gov/sites/default/files/dc/sites/oca/publication/attachments/DOES19.pdf>. Unfortunately, DOES did not fulfill the required quarterly reporting on the performance of locally funded programs as described in the Job Training and Adult Education Programs Act of 2012, Effective September 20, 2012 (D.C. Law 19-168; D.C. Official Code § 32-1771).

<sup>15</sup> Council of the District of Columbia, Committee on Labor and Workforce Development, "Committee Report Fiscal Year 2020", May 1, 2019, available at: [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/466/attachments/original/1557953017/FY20\\_LW\\_D\\_Budget\\_report\\_submitted\\_version\\_with\\_techncial\\_correx\\_05-15-19.pdf?1557953017](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/466/attachments/original/1557953017/FY20_LW_D_Budget_report_submitted_version_with_techncial_correx_05-15-19.pdf?1557953017)

<sup>16</sup> See original information at Elissa Silverman website, "Fall 2019 Workforce Roundtables," available at <http://www.elissasilverman.com/workforceroundtables> and DOES response to performance data request, DOES, "Workforce Development Program Information for DOES FY21 Budget," available at [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1571424613/Council\\_D\\_OES\\_Performance\\_Data\\_Request.pdf?1571424613](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1571424613/Council_D_OES_Performance_Data_Request.pdf?1571424613).

<sup>17</sup> Department of Employment Services, "Responses to Fiscal Year 2018-2019 Performance Oversight Questions", February 15, 2019, available at: <https://dccouncil.us/labor-and-workforce-development-3/>.

spotlight on them. The first roundtable covered the DC Infrastructure Academy and Local Adult Training. The second covered the performance of Project Empowerment and Career Connections. The ultimate objective was to determine if District taxpayers are truly seeing a return on their investment in DOES programs. Witnesses included graduates of the programs, host site providers, employers, community organizations, and advocates. The reviews varied from praising the work to disappointment the training did not lead to unsubsidized employment.

In Project Empowerment, the Committee is encouraged to see performance improvement. Results continue to steadily increase and employment retention at six months post-hire was 69 percent for FY2018. The employment rate grew from FY2017 to FY2019, which is welcome, but it was still just over 50 percent.<sup>18</sup> This outcome raises concern for the Committee. The Committee would like to see greater employment and retention success for participants in the future. The Committee notes that the Mayor's proposed budget of \$8.8 million includes \$3.3 million in one-time funds for Project Empowerment.

Career Connections is unfortunately not seeing the same level of success. The employment rate in Career Connections has decreased, with a decrease of 10 percentage points per year. In FY2017, Career Connections saw 168 residents find employment or 61 percent of program completers. In FY2018, 138 residents or 51 percent secured employment, and in FY2019 the number fell to 103 or 41 percent.<sup>19</sup> Moreover, enrollment in Career Connections has steadily decreased each consecutive year from FY2017 to FY2019, so appears to have a limited impact on the results of the program. This leads the Committee to conclude that program design may be the obstacle. Career Connections leadership must act to improve results and develop a clear strategic plan for administering the program. (see also Policy Recommendations below for more detail). The Committee notes that the Mayor's proposed budget of \$3.3 million includes \$1 million one-time fund for Career Connections.

The Infrastructure Academy is an illustration of great potential that has not been fully realized. The Infrastructure Academy resembles a traditional workforce model of training individuals for jobs that are in demand and requested by employers. The engagement of Pepco and Washington Gas supports best practices in the field with customized employment training. The Committee applauds DOES' engagement with business. However, the employment results are not as desired and indicate the need for greater employer engagement. The performance oversight responses show employment rates at or below 50 percent for Infrastructure Academy programming.<sup>20</sup> To facilitate a

---

<sup>18</sup> Department of Employment Services, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," February 7, 2020, attachment to Q87, pg. 979-987. [https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only\\_Part2.pdf](https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only_Part2.pdf)

<sup>19</sup> Department of Employment Services, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," February 7, 2020, attachment to Q87, pg. 979-981. [https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only\\_Part2.pdf](https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only_Part2.pdf)

<sup>20</sup> In FY2018, results range from 49% to 54% of completers entered employment; in FY2019, it ranged from 2% to 50% of completers obtained employment. See Department of Employment Services,

stronger relationship and guidance from the business community, the Committee recommends a subtitle to include in the Budget Support Act, which will create an employer-led committee for each sector represented at the Infrastructure Academy. The employer committees will help to shape the occupations, skills, curriculum, and credentials desired by industry. This builds upon the best practice of business-led workforce training. (For further explanation on the BSA subtitle see Chapter IV.B.2.) Due to the Committee's belief in the Infrastructure Academy, we support the proposed funding level in FY2021. In fact, the Committee would like to see greater resources at DCIA; DOES provided a training plan to the Committee that identifies some programs not slated to happen, or with low numbers of participants for next year.<sup>21</sup> The Committee notes that the Mayor's proposed budget of \$2.7 million includes \$800,000 in one-time funds for DCIA.<sup>22</sup>

The Local Adult Training budget, activity code 4250, was significantly reduced in the Mayor's budget, from \$4.9 million in FY2020 to \$1.8 million in FY2021. This budget line supports a variety of programs, some of which will still be supported. However, the success of Local Adult Programs remains inconclusive. Historically, the funding has supported initiatives through Back to Work 50+, the FEMS Cadet Academy, the MPD Cadet Academy, On the Job Training, Pre-apprenticeship, and various grants.<sup>23</sup> The Committee compliments DOES on planning to use federal funding for the FEMS Cadet Academy in FY2021 and optimizing the federal Senior Services programs which will absorb Back to Work 50+. These practices are a step in the right direction, not only for funding but for alignment with the WIOA state plan. Several other local programs have program design that could also use federal funding under WIOA, and the Committee encourages DOES to continue leveraging federal funds. Back to Work 50+ enrolled 64 individuals in FY2019, down from 116 in FY2018, and will not be locally funded in FY2021 but will be absorbed by the federally funded senior program SCSEP or activity code 4100.<sup>24</sup> FEMS Cadet Academy is projected to serve 5 individuals. MPD Cadet

---

"Responses to Fiscal Year 2019-2020 Performance Oversight Questions," February 7, 2020, Attachment to Q 87, pg.983, available at: [https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only\\_Part2.pdf](https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only_Part2.pdf).

<sup>21</sup> Department of Employment Services, "DOES Workforce Programs, Budgets, and Participant Numbers for FY2019-FY2021," June 4, 2020, available at: [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/533/attachments/original/1591383513/DOES\\_Budget\\_Matrix\\_For\\_Discussion\\_Subject\\_to\\_Change\\_%2806-03-20%29.pdf?1591383513](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/533/attachments/original/1591383513/DOES_Budget_Matrix_For_Discussion_Subject_to_Change_%2806-03-20%29.pdf?1591383513)

<sup>22</sup> However, the agency has reported to the Committee that this may have been loaded as one-time funding in error. The Committee did not receive a correction as of June 22, 2020.

<sup>23</sup> For further detail, see Elissa Silverman website, "Fall 2019 Workforce Roundtables," available at <http://www.elissasilverman.com/workforceroundtables> and specifically post-hearing questions, Attachment to Question 2(a), Part 1 available at [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1579049824/Question\\_2\\_%28a%29\\_-\\_Local\\_Adult\\_%28Part\\_1%29.pdf?1579049824](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1579049824/Question_2_%28a%29_-_Local_Adult_%28Part_1%29.pdf?1579049824) and Attachment to Question 2(a), Part 2 [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1579049823/Question\\_2\\_%28a%29\\_-\\_Local\\_Adult\\_%28Part\\_2%29.pdf?1579049823](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/492/attachments/original/1579049823/Question_2_%28a%29_-_Local_Adult_%28Part_2%29.pdf?1579049823).

<sup>24</sup> Department of Employment Services, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," February 7, 2020, attachment to Q80, pg. 983; and Department of Employment Services, "DOES Workforce Programs, Budgets, and Participant Numbers for FY2019-FY2021," June 4, 2020.

Academy and OJT programs list a “To be determined” number of residents to be served and 18 residents projected to be served in the Pre-Apprenticeship program.<sup>25</sup>

Mayor Muriel Bowser’s FY2021 proposed budget reduces each of the four workforce program budgets, likely due to the loss of revenue due to the COVID-19 pandemic rather than policy decisions. Therefore, the Committee recommends maintaining the programmatic funds proposed by the Mayor for Project Empowerment, Career Connections, the DC Infrastructure Academy, and Local Adult Training. In the future, funding for these programs should not be assumed; improvements are necessary. The Committee strongly urges DOES to examine the program models, curricula utilized, and level of employer input during program design, and to conduct serious program evaluation. The Committee also recommends increased utilization of Federal funds and technical assistance from the Department of Labor Employment and Training Administration to support and tweak the programs for use of federal money and optimum success.

***2. Fund and implement the DC Infrastructure Academy and establishment of industry advisory committees (Budget Support Act subtitle)***

The Committee proposes a subtitle in the FY2021 Budget Support Act to deepen the partnership between business and DOES at the DC Infrastructure Academy. The Committee strongly believes this legislation will facilitate improved results at DCIA. The Committee often hears from employers that the prospective applicants do not have the training necessary for the demands of their businesses and/or that applicants may have credentials but lack on-the-job skills needed for success. Having employers advise the Academy on curriculum and training is a way to solve this problem.

The DC Infrastructure Academy Employer Engagement Act of 2020 establishes industry advisory committees composed of employers to make recommendations to DOES on the training offered at the DC Infrastructure Academy. This subtitle would build on the success of employer engagement in workforce development and shape the relationship between DCIA and employers. It expands business services beyond screening and referral for an interview and puts the employers in a position to help DCIA craft training for skills needed by industry. The BSA builds on the strong foundation DCIA already has and elevates the role of business. (See Chapter IV.B.2 for more information.)

The legislation is not costly and simply outlines a method for program development and enhancement. The Fiscal Impact Statement outlining the associated costs for DOES follows:

---

<sup>25</sup> Department of Employment Services, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” February 7, 2020, attachment to Q80, pg. 982.

<b>Fiscal Impact of DC Infrastructure Academy Employer Engagement Amendment Act Of 2020</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Four-Year Total</b>
Industry Committee Coordinator (1 FTE, Grade 12), DOES <sup>1</sup>	\$129,462	\$129,823	\$130,191	\$130,564	\$520,039

<sup>1</sup>Though cost-of-living increases are frozen we assume fringe benefits grow by 1.5% annually.

The Committee recommends funding the DC Infrastructure Academy Employer Engagement Act and has identified \$129,462 in recurring funds to DOES for FY2021 to hire an Industry Committee Coordinator at Grade 12.

The Committee recommends that DOES take all action possible in FY2020 to begin implementation and have the committees appointed and operational on or very soon after October 1, 2021.

**3. Fund and implement the School Year Internship Pilot Program Amendment Act of 2020 (Budget Support Act Subtitle)**

The Committee has heard from hundreds of District youth that they want year-round opportunities to work. Not only does youth employment provide income for vulnerable residents, but career exposure and real-world work experience helps develop interpersonal communication skills, develops positive adult role models, and offers connections for future career opportunities. Marcia Huff, Director of Youth Poverty Programs at The Young Women's Project testified at the performance oversight hearing that, “I saw very clearly the devastating repercussion of our lack of investments in early workforce readiness programming. Many of these youth had no experience outside of SYEP. Unemployed youth are more likely to become part of street economies and more likely to experience chronic unemployment.”<sup>26</sup> A pilot program that engages high school students with real-world work experience is a huge opportunity to stop the cycle of poverty and channel youth on a career pathway.

The School Year Internship Pilot Program Amendment Act of 2020 will establish a paid internship program in Spring 2021. (See Chapter IV.B.4 for more information.) Students from District high schools, including public schools, public charter schools, and private schools who are not otherwise participating in an internship or in-school youth employment or work readiness program would be matched with an internship host. The Committee expects DOES to fund and fully implement the pilot program on the timetable outlined in the legislation, to support the District’s Youth with career exposure and skill development. The Committee believes that the administrative costs of the program are

<sup>26</sup> Testimony of Marcia Huff, Director of Youth Poverty Programs, The Young Women’s Project before the Committee on Labor and Workforce Development, Council of the District of Columbia Public Oversight Hearing Regarding the Department of Employment Services March 4, 2020

exceedingly high, and notes that more money will be spent on salaries for five DOES staff than wages for 250 students. The Committee would like to see administrative costs reduced. Nevertheless, this will be a valuable project, and the Committee has identified \$915,669 (\$28,226 in recurring PS funds; \$366,198 in one-time PS funds; and \$521,245 in one-time NPS funds), to be placed in Activity 4810.

<b>Fiscal Impact of School Year Internship Pilot Program Amendment Act of 2020</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Four-Year Total</b>
Program Analyst (1 FTE, Grade 12), DOES <sup>1</sup>	\$112,905	\$28,304	\$28,384	\$28,464	\$198,057
Recruitment and Case Management Staff (4 FTEs, Grade 9), DOES <sup>2</sup>	\$253,293	\$0	\$0	\$0	\$253,293
Student Wages <sup>3</sup>	\$355,245	\$0	\$0	\$0	\$355,245
Student Laptops with WiFi	\$166,000	\$0	\$0	\$0	\$166,000
<b>TOTAL</b>	<b>\$887,443</b>	<b>\$28,304</b>	<b>\$28,384</b>	<b>\$28,464</b>	<b>\$972,595</b>

<sup>1</sup>This position reduces to a 0.25 FTE position in FY 2022 since many of the staff member's duties end with the internship pilot program in FY 2021. Though cost-of-living increases are frozen we assume fringe benefits grow by 1.5% annually.

<sup>2</sup>Positions are pro-rated for 10 months of the year, October 2020 through July 2021, since the internship program ends in June.

<sup>3</sup>Assumes the 250 interns work an average of 6 hours a week for 22 weeks. The \$10 per hour wage includes a 7.65% FICA tax.

#### ***4. Fund and implement public education campaign of the Tipped Wage Worker Fairness Amendment Act of 2018 (Law Passed Subject to Appropriations)***

Local Law 22-196 contains provisions to better inform tipped workers of their rights and to ensure those who employ these workers meet their obligations under existing laws including minimum wage, overtime, and paid sick and safe leave. It was amended in the FY2020 Budget Support Act, and additional amendments are proposed in the FY2021 Budget Support Act (see Chapter IV.B.7.) The Committee was able to identify funds for one portion of the law, which it would like to see implemented in FY2021.

Section 3 of the law requires that the Mayor create a website with information on the laws referenced in a new, universal poster regarding workers' rights under a number of laws. The funding would pay to ensure that the website is accessible on mobile devices, a change that was included in the FY2020 Budget Support Act. This would make it easy for workers who lack access to a computer to view the information on their smartphones.

Section 4 of the Law requires the Mayor to launch a public awareness campaign regarding tipped workers' rights. The funding will go toward this the implementation of this campaign, including the purchase of materials for the public. The campaign will raise awareness and educate the public about the rights of tipped workers, and will emphasize getting the word out to groups most at risk for wage and labor violations. The campaign will be required to distribute materials to the affected communities. As mandated in the FY2020 Budget Support Act, all materials created under this subsection must provide a telephone number and internet website address for the Department of Employment Services and the Office of the Attorney General where an employee can obtain find information about workplace rights or file a complaint. The Committee has identified \$100,000 for the public education campaign, to be provided to the Office of Wage Hour (Activity 3200) in CSG 40.

Section 4 of the Law also requires the Mayor to create a reporting system, or "tip line," that permits the public to report violations of worker rights including the minimum wage, overtime, sick and safe leave, and living wage laws. The tip line will enable workers to easily flag troubling practices within their own workplace for investigation by the Department of Employment Services.

Section 7 describes employers' obligations to complete periodic training on the requirements of Local Law 22-196 and certify that the employer and its employees have completed the training. Funding will pay for the creation of the online reporting portal and a compliance officer position at the agency whose responsibilities will include assisting third-party payroll providers and hotel employers to file quarterly reports. The position will also process this data so that it can be reported to those conducting investigations and to the Mayor.

***5. Ensure that monies in the District of Columbia Jobs Trust Fund are spent in the manner required by law.***

DOES plans to use \$150,000 in from the DC Jobs Trust Fund in FY2021. DOES must use the funds in a manner consistent with the intended purposes of the Fund, as described in the First Source Employment Agreement Act (D.C. Code § 2-219.04c). Fines collected under the District's First Source law are to be deposited into the DC Jobs Trust Fund and "used solely for the purpose of establishing and operating the workforce intermediary pilot program...or any succeeding program." An "intermediary is an organization that brings together employers and workforce training providers from the same industry to plan, develop, and implement strategies to link training to jobs. An intermediary pilot program can be interpreted as employer customized training in occupations that meet industry hiring needs. The Committee has been monitoring DOES' use of the Jobs Trust Fund and disagrees with the previous grant solicitations issued using these funds. For example, DOES issued the "2020 Intermediary Initiative Request for Applications (RFA)" on February 14, 2020. The solicitation identifies that "For the purpose of this RFA, DOES will only consider proposals that address Microsoft Office or

Entrepreneurship credential attainment.”<sup>27</sup> While credential attainment is a desired outcome of an intermediary program, it is not the entire breadth of work. True intermediary initiatives include employers from the same sector, a facilitator to convene employers and training providers and a screening and referral process at the end of the program for participants seeking employment. The DOES Workforce Intermediary Initiatives 2020 RFA does not require employers be engaged and there is no requirement for convening or meeting with the business community. The RFA as published would not meet the mandate’s requirement. Although training in Microsoft Office and Entrepreneurship can be beneficial for a participant’s knowledge and future goals, without business at the table to advise and guide the skills training, the RFA as written is simply a traditional training program and not an Intermediary pilot program. In the FY2020 proposed Budget Support Act, Mayor Bowser swept \$61,280, meaning the funds were not used by DOES or the WIC for worker training, but were moved to the general funds. To ensure that monies from the DC Jobs Trust fund are spent as mandated, the Committee recommends the \$150,000 be used for the intended purpose of the law, including engagement with the business community.

**6. *Enhance budgets for job training that leads to occupational credentials in high-demand fields***

The Committee makes the following additional recommendations for enhancements:

Workforce Development (Program 4000)

- \$296,000 to the DC Infrastructure Academy (Activity 4260) CSG 50 in one-time NPS funds, to provide training for Commercial Drivers Licenses. The Committee notes that this budget will support the provision of work readiness and CDL training for 29 individuals if wage subsidies are provided or 48 people if all funds are used for training. The Committee believes that individuals will complete their training without a subsidy and all funds should be directed to training.
- \$300,000 to the DC Infrastructure Academy (Activity 4260) CSG 50 in one-time NPS funds, to provide training in Information Technology. The Committee notes that this budget will support the provision of work readiness and IT training for 27 individuals if wage subsidies are provided or 36 people if all funds are used for training. The Committee believes that individuals will complete their training without a subsidy and all funds should be directed to training.

---

<sup>27</sup> Department of Employment Services, "2020 Intermediary Initiative Request for Applications (RFA)" February 14, 2020, pg. 4, available at: <https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/2020%20Intermediary%20Initiative.pdf>

**7. *Right size the budgets of overhead and non-programmatic budget lines that have been overbudgeted and/or underspent***

There are several areas of DOES's budget that the Committee believes have been overbudgeted in the FY2021 local budget. The Committee reviewed the budgets in comparison with FY2019 spending and the proposed spending contained in the agency's submissions to the Council's Office of the Budget Director.<sup>28</sup> The Committee also requested detailed spending plans of the agency, which the Committee has received in previous years. The agency declined to provide them, stating that the spending plan would be developed based on the approved budget.<sup>29</sup> Many budget lines indicated FY2019 spending levels lower than proposed for FY2021; the planned FY2021 budget exceeded the specific plans outlined in submissions for that budget line; or the planned spending submissions did not indicate a specific purpose and more information was not provided upon request. Therefore, the Committee recommends the following reductions. The Committee identified close to \$1 million in additional potential spending reductions, but these were not certified by the Office of the Chief Financial Officer prior to the Committee's budget report mark-up.

Agency Management (Program 1000)

- \$12,650 CSG 20 (Supplies and Materials) from Information Technology (Activity 1040)
- \$9,190 CSG 40 (Other Service and Charges) from Property Management (Activity 1030)

Workforce Development (Program 4000)

- \$3,013 CSG 20 (Supplies and Materials) from Program Performance Monitoring (Activity 4200)
- \$1,318 CSG 20 (Supplies and Materials) from Office of Apprenticeship Information and Training (Activity 4300)
- \$1,814 CSG 20 (Supplies and Materials) from First Source (Activity 4510)
- \$52,095 CSG 40 (Other Service and Charges) from State-Wide Activities (Activity 4900)
- \$10,000 CSG 41 (Contractual Services- Other) from Program Performance Monitoring (Activity 4200)
- \$60,012 CSG 41 (Contractual Services- Other) from Local Adult Training (Activity 4250)
- \$21,131 CSG 41 (Contractual Services- Other) from Employer Services (Activity 4500)
- \$180,622 CSG 41 (Contractual Services- Other) from Year-Round Youth Program (Activity 4810)

---

<sup>28</sup> DOES, Common Budget Questions, Attachment I Contracts, worksheets "CSG41" and "CSG 40," submitted to the Committee May 21, 2020.

<sup>29</sup> Email from senior agency staff to committee staff, May 19, 2020, stating: "Since spend plans for a proposed budget are premature, we are unable to provide any spend plans until the final budget has been passed and enacted."

State Initiatives (Program 5000)

- \$3,800 CSG 20 (Supplies and Materials) from DC Career Connections (Activity 5200)
- \$111,505 CSG 40 (Other Service and Charges) from DC Career Connections (Activity 5200)

**8. *Sweep funds from available SPR balances***

- \$499,424 from Fund 612, UI Interest and Penalties, which may be utilized for the School Year Internship Pilot Program
- \$230,000 from Fund 619, DC Jobs Trust Fund, which may be utilized for DCIA CDL training in FY2021.

**9. *Reduce vacant positions***

The Committee has identified the following vacant positions to reduce. The Committee notes that in Year Round Youth, the Mayor's proposed FY2021 budget included 6 new FTEs (from 30.0 to 36.0). The Committee proposes to reduce that by 5.

Agency Management

- \$75,424 in PS from CSG 11 and 14 and 1 FTE, Public Affairs Specialist, position 75065 from Communications (Activity 1080).

Workforce Development

- \$137,962 in PS from CSG 11 and 14 and 1 FTE, Program Manager, position 22198 from Year-Round Youth (Activity 4810)
- \$168,888 in PS from CSG 12 and 14 and 4 FTEs Workforce Development Specialists, positions 24623, 36322, 36350, 39001 from Year Round Youth (Activity 4810)
- \$81,580 in PS from CSG 11 and 14 and 1 FTE Workforce Development Specialist position 36304 from Summer Youth Employment Program (Activity 4820)

## **b. Policy Recommendations**

### **A. UNEMPLOYMENT INSURANCE**

#### ***1. Modernize the unemployment insurance call center and provide continual training***

The global coronavirus pandemic brought extraordinary challenges for DC government and DOES in particular by exposing the District's outdated and archaic unemployment insurance system. A modern update to the system has been on the books shortly following the last economic downturn, the Great Recession, yet the urgency to complete the task waned. The Committee and its Chair have tried to focus the Agency on modernization and get answers why specific benchmarks were not completed but explanations were inconsistent and sometimes contradictory. The out-of-date processes weren't just limited to IT platforms; it also included a chaotic call center system which was unable to scale quickly to demand. (See further discussion on the UI modernization project in Chapter II.C.3.2.)

The coronavirus public health emergency and successive economic crisis put a bright spotlight on the UI intake approach. The agency faced an unprecedented volume of calls from District workers suddenly laid off from work, highlighting the many barriers that callers experience when seeking assistance from the workforce agency. Council offices, and this Committee in particular, have heard from hundreds of residents about dropped calls, busy signals, extremely long wait times on the UI call center hotline, and general frustration with the inability to get questions answered. DOES must modernize its call center to meet the expectations and needs of our residents by implementing modern customer service features and improve staff training and support in order to ensure efficient service delivery.

The Committee recommends six changes that will help modernize and streamline call center operations: (1) Immediately direct callers to representatives with subject matter expertise; (2) Train and deploy a team of supervisors to whom complex issues can be escalated; (3) Create a distinct phone number for callers who speak a language other than English; (4) Create clear, uniform processes for call center workers to follow; (5) Professionalize call center training, including refresher professional development on up-to-date practices; and (6) Invest in modern call center infrastructure including hardware and software that will create efficient intake, logging, tracking, and expediting of complex calls and both transparency and auditing to see if calls were resolved and handled properly.

The DOES call center telephone system should be designed to place callers into different queues depending on what they indicate is the primary purpose of their call (for example, "Press 1 if you are calling about the status of your claim.") Such a system would direct callers to DOES call takers with specialized knowledge who could respond to calls about their knowledge area. Limiting the types of calls received by particular call takers would make the process more efficient, with the secondary benefit of helping call takers develop particularized knowledge about the UI system. When unusual or difficult cases

arise, callers should be routed to a team of highly knowledgeable, customer-oriented supervisors. This ensures that front-line callers can focus on briefer services while the more qualified staff address the more challenging calls. The system should also permit callers whose primary language is not English to call the agency directly, indicate the language needed in the spoken language, and be connected with a speaker of that language.

The agency should expand overall availability of customer service by extending call center hours, providing a call back option, and making email communication a permanent feature of the system. When call volume is expected to be high, DOES should extend call center operating hours to nights and weekends. This will spread out the calls over more time and reduce average call wait times. It will also help those individuals with caregiving or other personal responsibilities that interfere with their ability to call during traditional business hours. DOES should also consider offering the option for callers to receive a call back when operators are not immediately available, a service offered by retail and service providers when call volume is especially high.<sup>30</sup> This would help low-income callers whose mobile phone services limit how long they are able to stay on the phone.<sup>31</sup> Finally, for those who prefer to receive a written response, the agency should create a permanent email address where those with questions can receive answers and log all responses so they can be used whenever those questions are repeated.

Finally, the agency must invest the time and funds in training its call takers on how to navigate and complete the UI application form and process, as well as offer in-service trainings when the law changes. The Agency also needs to look at the best-practices of both state UI call centers around the country as well as District agencies that have had success in automating and making their call intake more efficient. The Chair of this Committee spent many hours in the UI call center. The chaotic nature of the call center was not due to employee unwillingness to address calls; indeed, the observation of this Chair is that dedicated workers in this division were handicapped by a lack of investment in technology, training, and workforce development. This cannot continue.

This Committee pointed out in last year's budget report that DOES needed to invest in better training for claims examiners due to the high rate of determinations reversed on appeal, and we believe the events of the past few months have demonstrated just how crucial this is. There is no better way for DOES to demonstrate to its employees that they are valued than investing in their ability to gain more skills and potentially move up the ladder within the agency. We encourage DOES to develop a training plan to refresh call taker and claims examiner employee skills in FY2021.

---

<sup>30</sup> For example, this feature is offered by Amazon customer service when there is a problem with an order.

<sup>31</sup> For examples of mobile services with limited air time, see:

<https://www.nerdwallet.com/blog/utilities/basic-cell-phone-plans/>

## 2. Crack down on misclassification of low-wage workers

The economic crisis this year demonstrated how critical it is to ensure that every employer pays their fair share toward the UI safety net and that every worker who should qualify for unemployment insurance can receive it. DOES should implement a rigorous review of instances of potential misclassification (also known as “payroll fraud”), but particularly in instances where workers are earning at or below the minimum wage, where the work being performed is not in a specialized creative or professional field, and in industries where research shows that misclassification is common.

Misclassification is the shorthand term for an employer treating an employee as an independent contractor.<sup>32</sup> Employers of bona fide independent contractors don’t have to pay unemployment insurance tax contributions to the District and the worker does not qualify for any legal protections that apply to employees (such as minimum wage or paid sick time). This is because a true independent contractor controls all of the conditions around how they perform their work, like which clients to accept, how much to charge, where and when to work, and how to perform their jobs. Under current law, independent contractors are not eligible for UI,<sup>33</sup> and the businesses that engage independent contractors are not required to contribute to the UI Trust Fund on behalf of them the way they must contribute for employees. But that means that employees who are *misclassified* as independent contractors are cheated out of their right to collect unemployment. Yet, when government uncovers misclassification, it can hold the responsible employers accountable for not paying its taxes toward the UI trust fund for the duration of the worker’s employment.<sup>34</sup> Once misclassification is identified, workers can also bring minimum wage, paid sick time, and other legal claims for violations that occurred when the workers were misclassified.

Misclassification is a growing problem commonly found in the construction,<sup>35</sup> security, personal services (for ex., nail salons), and food delivery industries.<sup>36</sup> Many worker advocates consider gig workers such as supermarket shoppers and delivery drivers

---

<sup>32</sup> U.S. Department of Labor, “Fact Sheet 13: Employment Relationship Under the Fair Labor Standards Act (FLSA),” July 2008, available at: <https://www.dol.gov/whd/regs/compliance/whdfs13.htm>

<sup>33</sup> In a recent exception, Congress created a special benefits program for independent contractors who are typically excluded from the unemployment system, permitting them to receive benefits through July 31, 2020. See National Employment Law Project, *Fact Sheet: Unemployment Insurance Provisions in the Coronavirus Aid, Relief, and Economic Security (CARES) Act*, March 27, 2020, available at: <https://www.nelp.org/publication/unemployment-insurance-provisions-coronavirus-aid-relief-economic-security-cares-act/>

<sup>34</sup> Some state-level studies compiled by the National Employment Law Project (NELP) have estimated the costs due to misclassification. For example, in 2008, Maryland estimated the annual loss to its UI trust fund to be between \$15-25 million. NELP, *Independent Contractor Misclassification Imposes Huge Costs on Workers and Federal and State Treasuries*, July 2015, page 4-5. Available online at: <https://www.nelp.org/wp-content/uploads/Independent-Contractor-Costs.pdf>.

<sup>35</sup> Office of the Attorney General of the District of Columbia, “Illegal Worker Misclassification: Payroll Fraud in the District’s Constitution Industry,” September 2019, available at: <https://oag.dc.gov/sites/default/files/2019-09/OAG-Illegal-Worker-Misclassification-Report.pdf>.

<sup>36</sup> D.C. Code §32-1331.01 *et seq* protects against misclassification in the construction industry and provides for investigation and prosecution of violators.

to meet the legal definition of “employees” because unlike the work performed by bona fide contractors— such as graphic designers, attorneys, and headhunters— gig workers’ tasks do not require specialized training or wide latitude for independent judgment.<sup>37</sup> Because misclassification can be so costly to both the government’s bottom line and to workers, DOES must implement more stringent review of UI claims in order to help misclassified workers qualify for benefits to which they should be entitled and to identify employers that are not paying their fair share.

In the responses to this Committee’s 2019 performance oversight questions, the agency provided a copy of the “checklist” it uses to assess independent contractor status.<sup>38</sup> The agency should always subject UI applications from the lowest-paid workers and those in commonly misclassified industries to a second level of review for potential misclassification because this is where the potential harms are greatest. In the second level of review, an experienced claims examiner must assess the worker’s position anew to determine whether the worker’s employer is potentially circumventing the law by classifying this individual as an independent contractor.

All of the employees who undergo an assessment for potential misclassification are entitled to and should be given copies of the agency’s assessment of their status so they can challenge any incorrect conclusions made by the agency on appeal.<sup>39</sup> DOES should also revise the UI claims determination form with a clear statement about what misclassification is and information about the Claimant Advocacy Program (CAP) where they can go to appeal a denied claim. And, any time a worker is identified as misclassified and deemed eligible for UI benefits, the agency should initiate a full investigation of the employer and a referral to the DOES Office of Wage-Hour and to the Office of the Attorney General for enforcement of the law. Finally, the modernization of the UI system should include easy-to-read website guidance for workers about what constitutes misclassification and their rights if they believe they are misclassified. (Please see Chapter II.C.3.2 of this report for more information on the Unemployment Insurance modernization capital project.)

### ***3. Understand the scope of misclassification in the District***

This year, the federal government authorized the District to pay thousands of unemployment insurance (UI) claims for individuals classified as independent contractors, providing a unique opportunity to undercover misclassification. The Committee will ask the Auditor to assess all of the Pandemic Unemployment Assistance (PUA) claims the

---

<sup>37</sup> These are two out of several factors used to determine whether an employee is misclassified, used here for illustrative purposes. For one useful analysis of employee status, see *In the Matter of the Claim of Luis A. Vega, Respondent. Postmates Inc., Appellant. Commissioner of Labor, Respondent.*, 162 A.D.3d 1337, available online at: <https://www.nycourts.gov/ctapps/Decisions/2020/Mar20/13opn20-Decision.pdf>

<sup>38</sup> Department of Employment Services, “Responses to Fiscal Year 2018-2019 Performance Oversight Questions,” February 15, 2019, Attachment to Q142, p. 1223-1225, available at: [https://dccouncil.us/wp-content/uploads/2019/02/doesatt\\_Part3.pdf](https://dccouncil.us/wp-content/uploads/2019/02/doesatt_Part3.pdf)

<sup>39</sup> D.C. Code §51-113 (f) requires disclosure of these documents to the claimant, providing (in part): “Any claimant (or his legal representative) shall be supplied with information from the records of the division, to the extent necessary for the proper presentation of his claim...”

District received and report on the state of independent contractor work in the District. We expect that the report will detail applicants' personal and professional demographics, typical weekly earnings, industry or profession, and other details that can illuminate the extent of properly and improperly classified contract work occurring in the District. The Auditor's assessment will be helpful for DOES as it strives to better identify misclassified employees, as well as serve as a tool to potentially identify unpaid unemployment insurance contributions that should be paid into the UI Trust Fund.<sup>40</sup>

#### ***4. Make our unemployment system accessible to non-English speakers***

The District's unemployment insurance system must become more accessible for potential claimants whose primary language is other than English. DOES must provide written translation of the unemployment insurance claim forms and guidance materials and hire bilingual speakers for the UI call center to ensure that non-native English speakers can communicate effectively with DOES and in the same manner as English speakers.<sup>41</sup>

In the weeks after the District implemented federal laws temporarily expanding eligibility for UI benefits, worker advocates told the Committee that Amharic speakers in our community were unable to complete an online application for benefits.<sup>42</sup> The only other option for these individuals was to call DOES; however, there are not Amharic-speaking call takers at the agency. Therefore, a caller would have to ask someone they know who speaks English to contact DOES with them, or on their behalf, and explain to the agency that an Amharic speaking DOES agent was needed. Only then could DOES know that it needed to ask an interpreter to join the call. However, the phone-accessible interpreter is an imperfect solution. It is very difficult to speak through a translator, particularly on a complicated issue like an unemployment insurance claim governed by dozens of rules and particularities. It's more likely that these potential claimants will go without important cash support during the pandemic than engage in such a cumbersome process. Having the form available in writing in applicants' native language is critical.

The current process to modernize the UI system is an opportunity to ensure that going forward, all District workers can access the UI system, and not just those workers who have advanced English language reading and writing skills.<sup>43</sup> (See Chapter II.C.3.2 more information about the UI modernization capital project.) The agency must ensure that its website, determination letters and other correspondence, guidebooks, call center, and employer reporting portal are accessible for speakers of the most commonly spoken

---

<sup>40</sup> NELP, "Independent Contractor Misclassification NLP Imposes Huge Costs on Workers and Federal and State Treasuries," July 2015, available at: <https://www.nelp.org/wp-content/uploads/Independent-Contractor-Costs.pdf>

<sup>41</sup> The Committee encourages DOES to interpret the language access requirements of D.C. Code § 2-1933(a) broadly. Even residents who make up a small portion of the population are potential DOES customers.

<sup>42</sup> Department of Employment Services, "Unemployment Insurance Service Center for Claimants," available at: <https://does.dcnetworks.org/claimantservices/Logon.aspx>.

<sup>43</sup> United States Government Accountability Office Report to the Ranking Member Committee on Finance, U.S. Senate, *Unemployment Insurance: States' Customer Service Challenges and DOL's Related Assistance*, May 2016, available at: <https://www.gao.gov/assets/680/677082.pdf>

languages in Washington, DC, to help avoid violations or complaints about violating the District's Language Access Act. This will ensure that when our community experiences hard times in the future, we are not leaving our neighbors behind.

### ***5. Implement fair overpayment collection practices.***

DOES has a process to recover benefits improperly paid to unemployment insurance claimants (called "overpayments"), which the agency recovers by filing a lawsuit in D.C. Superior Court, among other methods. Claimant advocates have testified that the agency sometimes does not sue until many years after the claimant was paid and often the amount alleged to be owed is not supported by records. Claimants should be accountable for repaying improperly received benefits; however, DOES must ensure the process is implemented fairly. Before suing claimants in Superior Court, the agency must ensure the accuracy of alleged overpayments and exercise its discretion to dispose of any cases for which there is inadequate proof of the amount owed.

Overpayments can result from innocent, accidental, or fraudulent reasons. According to the US Department of Labor, the main reason for overpayments in the District between 2016 and 2019 was "benefit year earning," which means that the claimant received wages or other income while they were receiving unemployment benefits. The amount of non-UI income is limited for claimants who qualify for UI, and some of these individuals become ineligible for UI once their earnings reach the established maximum.<sup>44</sup>

This year, the number of overpayment cases increased significantly over last year: from approximately 6,522 notices in FY2018 to 9,780 notices of overpayment in FY2019.<sup>45</sup> The Legal Aid Society of the District of Columbia and the Claimant Advocacy Program (CAP) of the Metro Washington Council AFL-CIO have noted a recent uptick in Superior Court cases filed to recover overpayments from very old benefit years.<sup>46</sup> For example, a representative from CAP testified about a January 2020 case where DOES had not issued a Notice of Overpayment to a particular claimant until almost ten years after he received the UI payments at issue. Since the claimant's employer had gone out of business in the intervening years, the claimant was unable to obtain employment records he would have needed to determine for himself whether he was overpaid and to defend against the agency's claim. This illustrates the great disadvantage to claimants when the agency does not quickly pursue the overpayment.

Legal Aid and CAP advocates have also pointed out that some DOES lawsuits state a different amount owed on the legal notice sent to the claimant versus what is filed in court, without explanation of how the differing amounts came about. The agency records

---

<sup>44</sup> U.S. Department of Labor, "Unemployment Insurance Payment Accuracy by State for the District of Columbia," available at: <https://www.dol.gov/general/maps/2019/dc>.

<sup>45</sup> Drake Hagner, Senior Staff Attorney, Legal Aid Society of the District of Columbia, and Tonya Love, Program Director and Attorney, Claimant Advocacy Program, Washington Metropolitan Council AFL-CIO, "Joint Testimony before the Committee on Labor and Workforce Development, Council of the District of Columbia Public Oversight Hearing Regarding the Department of Employment Services," March 4, 2020, Attachment C..

<sup>46</sup> Id.

do not show, for example, the dates of disbursements to the worker and the agency's calculation of interest charges that it might be adding into the amount owed. These should be provided because they would help the worker gather necessary records to determine on their own whether the debt is legitimate. DOES must also provide the underlying documentation of how it says the overpayment came about (for example, because the claimant's employer reported wages to the agency) so that the parties and the court can determine how reliable this information is and how much the claimant was erroneously paid.

Regardless of what is legal, the process must be ethical. Even though there is no statute of limitations barring the agency from collecting on overpayments many years later, the agency can impose reasonable restrictions on which cases it pursues. One of the key functions of a statute of limitations is to ensure that legal disputes are resolved when evidence is still fresh and the people involved are still able to remember the events that transpired. Here, the lack of a statute of limitations means that there is a higher risk of inaccurate, unreliable, and missing information underlying the alleged debts. The Committee has learned that some of the alleged debts being filed in Superior Court in the name of the District of Columbia are not supported with even the most basic documents that the agency should be expected to maintain. Many of the people who are being sued by DOES are intimidated by the demand that they appear in court and answer to a judge, and therefore settle these cases without DOES demonstrating that they have evidence to support their case. This can result in a person agreeing to repay a debt that was not actually owed, or to repaying more than the agency could prove the claimant ever received.

The government should not be allowed to use intimidation to this unfair advantage. Instead, DOES must immediately begin providing the UI claimants being sued with supporting documentation of UI overpayments to show that any amount alleged to be owed is accurate and must provide the claimant with an opportunity to rebut the allegations. DOES should provide claimants with copies of the following: the signed application for benefits, the date(s) and amount(s) of each weekly disbursement, interest and penalties charged to the claimant, proof of the method of payment (for ex., deposit to debit account), as well as documentation supporting the reason why the payment was improper (such as proof of wages earned by the claimant). Our local government should be held to the same standard as any other debt collector by having to verify the basis for claiming money is owed.<sup>47</sup> DOES should also identify any that cases that lack basic evidence verifying the legitimacy of the debt and withdraw them from Superior Court immediately.

### ***6. Improve communications related to the Office of Administrative Hearings***

Last year, the Committee urged DOES (1) to provide access to final orders in unemployment insurance or wage-hour adjudications on its website, (2) to process OAH claims within three business days, and (3) to transmit documents between DOES and OAH electronically. The pandemic has required many workplaces to rely more heavily on electronic transmittal of documents and information. The Committee is pleased to learn

---

<sup>47</sup> Federal Trade Commission, "Debt Collection FAQs," March 2018, available at: <https://www.consumer.ftc.gov/articles/debt-collection-faqs>

that DOES and OAH are transmitting unemployment appeal documents electronically and hope DOES will expand the use of email and other online methods of transmitting records even after District government offices fully reopen.

### ***7. Prioritize staff training***

Last year, the Committee urged DOES to prioritize staff training in order to avoid errors that harm workers. At that time, DOES reported that in FY 2018, approximately 50 percent of OAH appeals by workers denied benefits by an agency determination resulted in a reversal directing the agency to disburse unemployment funds to the worker.<sup>48</sup> And, in FY2019, again approximately half (49 percent) of employee appeals reversed DOES's determination.<sup>49</sup> During the FY2020 budget process, the Committee was encouraged to learn that DOES had developed a training plan and revised internal procedures to help examiners evaluate claims more accurately and consistently.<sup>50</sup> Unfortunately, the Office of Unemployment Compensation's performance during the recent pandemic did not demonstrate substantial improvement over past years. The Committee's new recommendations about staff training emphasizes the importance of the office's staff knowledge and abilities. (Please see Chapter II.C.2.b.A and Chapter II.C.3.2 of this report for more information on the Unemployment Insurance recommendations,)

## **B. WORKFORCE DEVELOPMENT**

### ***1. Improve program delivery in Project Empowerment and Career Connections:***

#### **a. Develop a programmatic strategic plan incorporating career pathways and alignment with the WIOA State Plan and the DOES Vision Forward Plan**

Project Empowerment and Career Connections are long-standing and popular programs at DOES. They serve primarily returning citizens to help them find their way back into the workforce by allowing them to get their foot in the door through subsidized employment. The program also offers occupational and educational services for those in need. They serve hundreds of people a year, and many participants seek out the program because they have heard about it from friends or relatives. The Committee would like Project Empowerment and Career Connections to be a success, and there is no doubt that some have been helped. DOES should develop a strategic programmatic plan specific to

---

<sup>48</sup> Department of Employment Services, "Responses to Fiscal Year 2018-2019 Performance Oversight Questions," February 15, 2019, p. 58-59, available at <http://dccouncil.us/wp-content/uploads/2019/02/DOES-2019-PO-responses-02-18-19.pdf>.

<sup>49</sup> DC Department of Employment Services, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," page 69. There were 2,055 total appeals in FY2019, 536 of which were filed by employers, leaving 1,519 filed by employees. The number of appeals resulting in a payment status reversal was 746, which is 49% of 1,519. The Committee notes that the 1,519 figure could include cases that were filed but didn't proceed, which would make the reversal percentage even higher.

<sup>50</sup> Department of Employment Services, "Responses to Fiscal Year 2018-2019 Performance Oversight Questions, Attachment Q137," February 15, 2019, Part 3, available at: [http://dccouncil.us/wp-content/uploads/2019/02/doesatt\\_Part3.pdf](http://dccouncil.us/wp-content/uploads/2019/02/doesatt_Part3.pdf).

Project Empowerment and Career Connections that would assist DOES with greater alignment of strategies. This would focus energy and resources and ensure all partners are working toward the DOES' mission of "connecting District residents, job seekers, and employers to opportunities and resources that empower fair, safe, and effective working communities."<sup>51</sup> The plan should outline specific activities, methods, or approaches that will facilitate the highest level of achieving the program goals. It should also analyze where improvements to current program design should be made. However, without a clear plan to move forward, Project Empowerment and Career Connections will struggle to reach their full potential of assisting District residents on a pathway to the middle class.

**b. Select and utilize a validated career assessment tool to best match participants with appropriate host sites.**

To better understand and evaluate Project Empowerment and Career Connections the Committee held a roundtable on November 11, 2019. There were witnesses representing participants, graduates, employer host sites, and training providers. Based on witness testimony, the most successful outcomes came when the placement was in occupational sectors of personal interest and high demand. However, the method used by DOES to achieve a successful placement was unclear. Director Unique Morris-Hughes testified the assessment is completed through discussion, objective assessment, and "Good Old Human Interaction."<sup>52</sup> While human interaction can be a valuable assessment tool, alone it is not enough. The right assessment can help inventory interests, skills, work-related values, and personality characteristics. It can help focus on occupational exploration and identify career decision making and developmental needs. The right tool can also aide in measuring program effectiveness and best practice models. Regardless of the tool selected, "In-depth investigation of the effectiveness of specific assessments in various work settings and with members of various populations is essential."<sup>53</sup>

**c. Partner with the WIC to develop a unified business services plan with sector-specific business liaisons.**

A unified business services plan would help employers fully understand the options for and how to engage with DOES. The WIC has been working to unify DC government business services, as many different agencies have their own business services arms. The WIC published the first Business Services Environmental Scan Report 2020. DOES should

---

<sup>51</sup> Unique Morris-Hughes, oral testimony at the Committee on Labor and Workforce Development, Public Oversight Roundtable, "A Review of The Department of Employment Services' Workforce Development Programs: Project Empowerment and DC Career Connections," Nov. 21, 2019, beginning at 4:49:32 video available at: <http://dccouncil.us/video-archive/> by searching "Labor Committee November 21, 2019."

<sup>52</sup> Unique Morris-Hughes, oral testimony at the Committee on Labor and Workforce Development, Public Oversight Roundtable, "A Review of The Department of Employment Services' Workforce Development Programs: Project Empowerment and DC Career Connections," Nov. 21, 2019, beginning at 4:49:32 video available at: <http://dccouncil.us/video-archive/> by searching "Labor Committee November 21, 2019."

<sup>53</sup> JoAnn Harris-Bowlsbey, "Exploring Why Career Practitioners Use Assessments, As Well As How They Can Select The Appropriate Tools And Effectively Interpret Client Results," IAG Online, July 10, 2019, available at <https://iagonline.org/tag/assessment/>

partner with the WIC to unify business services and develop sector-specific business liaisons

As the WIC wrote, “This scanning effort was identified as critical to gain a more thorough understanding of the business engagement and services landscape and to identify, leverage, and expand areas of coordination. Through connecting and aligning the range of strengths and services agency partners offer businesses, greater efficiencies and effectiveness can be achieved on behalf of the District employer community. The results of this scan will feed into the creation of a District vision for business engagement and service delivery, including where coordination already exists and where there may be opportunities for further collaboration among agency partners on behalf of business customers. Advancing the vision for a more coordinated approach to business service planning and delivery is also a key focus of the District’s WIOA State Plan and its Adult Career Pathways Strategic Plan, and this environmental scan is intended to be supportive of those efforts. Specifically, expanding industry sector partnerships, enhancing partners’ alignment from a systems perspective, and building partner capacity system-wide were key considerations in the environmental scan effort.”<sup>54</sup> The report outlines how business services are currently structured, designed, and delivered across workforce system partners in the District. The scan is the first step towards developing a unified business plan across all government agencies.

Additionally, pairing a unified business plan with sector specific counselors also fosters relationship development between the DOES team and the business community. A counselor supporting one sector is better equipped to match employers’ needs and understand sector culture than a counselor who is straddling multiple sectors. The November 2019 roundtable on Project Empowerment and Career Connections revealed some challenges to the programs. One of the greatest challenges for participants was the lack of employment from the host site at the end of the subsidized employment portion and difficulty securing full-time unsubsidized employment. DOES can improve these results by committing to a strategic plan aligned with the WIOA state plan, utilize a validated career assessment tool, and developing a unified business services plan with sector specific counselors connected to industry employers. The Committee was encouraged to read that the Career Pathways Task Force also recommended a unified business services plan with employer engagement and job development staff and sector specific counselors to help screen candidates for each industry and serve as a single point of contact for employers in that industry.<sup>55</sup> Both recommendations can improve employment placement results and better meet the needs of the business community.

---

<sup>54</sup> Workforce Investment Council, “Business Services Scan 2020 Report,” May 21, 2020, available at: <https://dcworks.dc.gov/page/dc-works-resources>

<sup>55</sup> DC Workforce Investment Council, “Adult Career Pathways Strategic Plan,” January 15, 2020, available at: <https://dcworks.dc.gov/sites/default/files/dc/sites/dcworks/publication/attachments/DC-Career-Pathways-Strategic-Plan-Final.pdf>.

**2. Implement recommendations from the Career Pathways and Adult Literacy Task Force Strategic Plan**

The DC Adult Career Pathways Task Force was established by the Adult Literacy Task Force Act of 2014, a subtitle of the 2014 Budget Support Act. Its purpose is to develop and implement a city-wide strategic plan to connect District-based adult basic skills programs with career pathways. The WIC has managed the DC Adult Career Pathways Task Force and convened partners every quarter to guide the development of career pathways and other sector-based strategies. A strategic plan was published in 2015 as a tool to move the District workforce development system, adult basic skills programs, and human services programs into a more unified system. The strategic plan was updated in 2019 to reflect the achievements and direction of the adult career pathways work in the District.

**a. Utilize the integrated education and training model.**

Most District job seekers do not qualify for many of the city's job training programs, which require minimum educational functioning levels for participation, often at the 8<sup>th</sup> or 9<sup>th</sup>-grade levels. As the table below shows, most jobseekers score below these levels, which disqualify them.

Percentage of Individuals Testing by Level and Location, FY2018

	<b>American Job Centers</b>	<b>Project Empowerment</b>	<b>Career Connections</b>	<b>Infra-structure Academy</b>
Testing below 8th grade math	72%	70%	90%	58%
Testing below 6th grade math	33%	41%	65%	35%
Testing below 8th grade reading	25%	44%	49%	15%
Testing below 6th grade reading	7%	17%	13%	5%

In most circumstances, when an individual score is too low to qualify for a training program, they are sent out for remediation. However, when basic education is combined with, and delivered in the context of, occupational skills training, adults learn more quickly and gain more skills. This “integrated education and training” (IET) model is considered a best practice and used across the nation.<sup>56</sup> With this model, individuals receive education in literacy and numeracy simultaneously with, and in the context of, occupational skills training. In the OSSE/WIC program Career Pathways Innovation Fund program that utilizes the IET model, ninety percent of participants in the program are individuals with low educational functioning levels who would otherwise not qualify for most traditional

<sup>56</sup> Beth Hawkins, “Adult Education Comes of Age,” *Education Next*, Vol. 19, No. 2, Spring 2019, available at <https://www.educationnext.org/adult-education-comes-of-age-new-approach-blends-basic-academics-job-training/>.

job training programs. Further, this population represents the majority of individuals seeking services at American Job Centers or other DOES programs and who also took assessment tests (the CASAS test). DOES should offer IET programs that simultaneously provide basic education and occupational skills training. It will help their customers achieve greater success in the long term.

**b. Utilize the career maps developed by the WIC and individualize career maps to help advise and guide residents to living-wage careers**

The Adult Career Pathways Task Force developed career pathway maps for the information technology and business administration, infrastructure and transportation, and security and law enforcement industries. The maps are industry-informed and display the path for growth in each of the identified sectors. The maps are useful for both new and incumbent workers to enhance their understanding of education, skills, knowledge, and occupational credential needed to advance in a chosen career. Moreover, a career map customized to an individual's situation and desired goals defines a blueprint for both the resident and DOES. Such tools can assist the department with program design, implementation, and quality of customer service. DOES should utilize the career maps and individualize career maps for each adult accessing workforce development and adult education services.

**c. Maximize referrals via the Data Vault by ensuring the necessary fields in the DOES Virtual One-stop System are mandatory**

During the March 4, 2020, Committee performance oversight hearing, Alexander Moore from DC Central Kitchen noted the lack of referrals to DC Central Kitchen Culinary Arts Program. One reason for this may be the underutilization of the DC Data Vault. The Data Vault permits DOES, DHS, and OSSE AFE to seamlessly refer residents in need of literacy and numeracy remediation to providers offering integrated education and training models. The Data Vault is available to assist with improved coordination of services and referrals to partner organizations. However, the Data Vault has not fully been realized, with reports of few referrals by the adult education and training providers. One reason identified is the lack of data field completion in the DOES' Virtual One Stop (VOS) system. Without the appropriate fields completed, service needs cannot be matched, and referrals do not happen. The Committee recommends DOES make the fields needed for the Data Vault “required” fields in VOS, resulting in more referrals and coordination of IE&T models for job seekers.

**3. *Improve monitoring and enforcement of First Source law***

The Committee recommends the Office of First Source Compliance work to improve monitoring and enforcement of the District’s First Source law. The First Source law was enacted in 1984 to give District residents priority and opportunity for employment on projects funded by District government. The First Source law requires that recipients of District funding or tax subsidies hire District residents for most new jobs created on certain projects, ensure that substantial portions of the hours worked by skilled trades on

construction projects are filled by District residents, and establish apprenticeship programs to benefit district residents. It is a critically important law that should play a central role in the District’s workforce development strategy. But it must be enforced to ensure that District workers gain access to employment.

The Committee has detailed in multiple hearings and correspondence with DOES its concerns about deficiencies in DOES’ monitoring of First Source projects and enforcement of the law. For example, data provided in response to Committee oversight inquiries is frequently incomplete or incorrect, calling into question whether the agency is effective in its monitoring and enforcement of the First Source law. The DC Auditor has also written extensively about shortcomings and the need for improvements in monitoring and enforcement of First Source.<sup>57</sup> In its current form, the First Source program has been neglected and deprioritized for many years. Earlier in 2020, the Committee reported out legislation that served to retain the office at DOES.<sup>58</sup> The Committee wanted to avoid an unnecessary disruption of First Source administration which would likely result from moving it into a different office. However, the Committee remains extremely concerned about ongoing shortcomings in enforcement and recommends that DOES redouble its efforts to ensure monitoring and enforcement of the law.

***4. Complete a Youth Programs strategic plan incorporating Career Pathways and aligned with the WIOA State Plan by the end of FY2021***

DC’s Marion Barry Summer Youth Employment Program (MBSYEP) has been the first job for generations of Washingtonians. It remains a seminal experience for DC youth and has the potential to be one of the first and most influential experiences for young people to lead them on a path to a successful career. Apart from MBSYEP, DOES is funded to invest in youth during the rest of the year through the Year-Round Youth Programs. DOES spent over \$25 million on youth programming in FY2019 and yet the department has not completed a strategic plan as recommended by this Committee and independent evaluations for three years. This has been the top recommendation of the last three independent evaluations and in January 2018, the previous director stated that one was underway but has never been produced. Given the significant investment the District makes in youth programming, a comprehensive clear plan for program design and deployment of youth programs at DOES is necessary.

---

<sup>57</sup> DC Auditor, “Less Than One-Fifth of First Source Provisions Have Been Effectively Implemented and the District Has Not Demonstrated Success in Hiring and Retaining District Employees,” April 19, 2018, available at <http://dcauditor.org/report/less-than-one-fifth-of-first-source-provisions-have-been-effectively-implemented-and-the-district-has-not-demonstrated-success-in-hiring-and-retaining-district-employees/> and DC Auditor, “DOES Lacks Policies and Procedures to Effectively Monitor D.C.’s First Source Program,” April 19, 2018, available at <http://dcauditor.org/report/does-lacks-policies-and-procedures-to-effectively-monitor-d-c-s-first-source-program/>.

<sup>58</sup> Committee on Labor and Workforce Development, “Report on B23-471, ‘Independent Compliance Office Establishment Act of 2019,’” January 29, 2020.

**5. Enhance transparency of DOES policies, data, and timely submission of reports**

**a. Develop and publish widely an agency policy manual.**

The Committee on Labor and Workforce Development and the public find it difficult to understand the full breadth of services available and methods for administering services at DOES. The lack of a policy manual for DOES services makes oversight and accountability arduous. District residents rely on DOES' published materials for pertinent information, such as what constitutes acceptable service from a government agency and course of action to air grievances. DOES should publish such a policy manual.

A comprehensible policy manual available to the public would provide consistent and clear guidelines for executing services. A strong example is the Department of Human Services' Economic Security Administration (ESA) Policy Manual which provides official instructions and the guiding principles for the implementation of ESA (formerly IMA) programs. The Manual provides front-line operations staff with clear, consistent policy standards for providing services. The Manual is available on the DHS website,<sup>59</sup> and is searchable. DOES should mirror the model of their sister agency with a well-developed and widely disseminated policy manual. The manual should include an overview of federal and local programs, basic rights and responsibilities of DOES staff and consumers, application processing, eligibility requirements, and program requirements. Furthermore, the manual should include appendices including acronyms, a glossary of terms, commonly used forms, case record organization, fact sheets, important links, policy manual changes, and grievance procedures. This will assist both prospective applicants and partner agencies to screen and refer individuals to the most suitable services. The recommended policy manual would also improve accountability and oversight of DOES program implementation.

**b. Submit required reports on time and complete per legislation.**

Delinquent reporting from DOES has been a challenge for years. The Committee does not always acquire mandated reports by the due date. As an important example, the Job Training and Adult Education Programs Act of 2012 (D.C. Code § 32-1771) states "the Department of Employment Services ("Department") shall transmit to the Council on a quarterly basis, and make available on the Department's website, a report on the outcomes associated with all local funding administered by the Department for job training or adult education purposes." This is a key report that could form the basis of the public's understanding of the services offered and outcomes of its investments in local taxpayer dollars. However, DOES submitted the required report between September 5, 2018 and April 21, 2020, six quarters behind the mandated timeline. The 2020 report, "Local Jobs Training Report: Fiscal Year 2019 (Quarter1-3)" included both FY2018 and FY2019 information. The report did not fulfill the outcome measures mandated under the legislation and was incomplete.

---

<sup>59</sup> See Department of Human Services, "ESA Policy Manual," available at <https://dhs.dc.gov/publication/esa-policy-manual>.

Additionally, the Chair of this committee introduced the Workforce Development System Transparency Act of 2017. This legislation requires the WIC to develop an annual expenditure guide on all workforce development and adult education programs, across agencies, showing the program and vendor-level outcomes. The WIC must rely on sister agencies to provide the correct data in a timely fashion. Now law, the first guide (due in February 2019 but submitted in September 2019) lacked a great deal of outcomes data on DOES programs. The committee and public rely on data to review program performance and failure to submit information in a timely and exhaustive manner prevents accountability by the public and inhibits full evaluation of DOES performance. The Committee strongly encourages DOES to work collaboratively with the WIC in the future to ensure that the report is complete and timely.

## **C. PAID LEAVE**

### ***1. Agency Overreach Harms Vulnerable Communities.***

A paid leave program is usually one of the ways that a community helps to support families experiencing life-altering events like the arrival of a child or a serious health issue. Unexpectedly, the COVID-19 public health emergency began only a few months before July 1, 2020, the date when Universal Paid Leave benefits will become available to qualified District workers. More than 115,000 District workers are currently unemployed due to business slowdowns and closures resulting from the pandemic, not because the employee was at fault or because the employer will not have work for the employee in the future.<sup>60</sup> Nevertheless, those workers, including a number who might return to their jobs once the pandemic subsides, will be unable to draw paid leave benefits because they are not “currently employed” according to DOES.<sup>61</sup>

The Universal Paid Leave regulations state that an applicant must be “employed by a covered employer at the time of application” in order to be eligible to receive benefits.<sup>62</sup> However, the statute’s plain language permits an employee to claim benefits even if the employee has been separated from his or her most recent job at the time of the application. The law specifies that employment need only have occurred during the last year, and not that the employee was employed *the day before* the application is submitted.

---

<sup>60</sup> Total claims as of June 17, 2020 according to Office of the Mayor, “Unemployment Data: Number of Claims”, available at: <https://coronavirus.dc.gov/page/unemployment-data>

<sup>61</sup> Laura Brown, “Testimony of Laura Brown Budget Oversight Hearing (Public Testimony) Department of Employment Services Committee on Labor & Workforce Development,” May 28, 2020, Attachment C of this report.

<sup>62</sup> D.C. Municipal Regulations Section 3500.1(c)(1)(A); DOES also addresses this in a fact sheet entitled “COVID-19 Frequently Asked PFL Questions,” available at: [https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/DOES\\_PFL\\_FAQs\\_Coronavirus.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/DOES_PFL_FAQs_Coronavirus.pdf). (“Q. If an individual is unemployed due to COVID-19 and has not regained employment by July 1, 2020, would the individual be eligible to file a claim for PFL benefits on July 1? A. If the individual is unemployed before July 1, 2020, then they would not be eligible to file a claim for PFL benefits. An individual must be currently employed by a covered employer to be eligible to file a claim for PFL benefits.”)

Universal Paid Leave was designed to be portable, meaning the employee retains the ability to use the leave upon switching to a new employer. Under other leave laws, benefits are tied to the individual’s employer and if the individual leaves the job, the benefit expires. For example, D.C. Family and Medical Leave, which is unpaid, is only available to employees who have worked for their particular employer during the prior year. Before and since passing the Universal Paid Leave Act, the Council heard from witnesses who explained that workers who are in between jobs at the time a medical crisis occurs should not lose out on the benefit due to the unfortunate luck of bad timing. Others pointed out that employees’ medical conditions may cause them to leave a job where they have no expectation of being reinstated.<sup>63</sup>

Accordingly, the Universal Paid Leave Act specifies that someone who worked for any small portion of the preceding calendar year would be able to take advantage of the benefit.<sup>64</sup> With high unemployment and the risk of serious illness due to COVID-19, the paid family leave system would normally be a welcome addition to the social safety net. However, the Committee expects that those receiving paid leave benefits will continue to be the workers who are already most well-equipped to weather financial hardships while people of color, especially Black and Latino Washingtonians, will be further left behind.<sup>65</sup>

## ***2. Continue positive progress in onboarding and training Paid Leave staff.***

On July 1, 2020, the Department of Employment Services will begin to receive and review applications for Universal Paid Leave benefits. In the last two years, this Committee and the public have provided mostly positive feedback to DOES regarding the knowledge and commitment of Office of Paid Family Leave (OPFL) staff members. The agency’s approach to recruiting, onboarding, and training paid leave staff has thus far yielded good results. The Committee urges DOES to double down on its positive record as it works to fill the remaining 27 vacancies in the OPFL and ensure that these workers meet the standard that has been set by the Director and the implementing team.

---

<sup>63</sup> D.C. Code § 32–505 provides employees who work for an employer with 20 or more employees with a right to be reinstated following a period of FMLA leave but employees of smaller businesses do not have that right.

<sup>64</sup> An “eligible individual” is someone who has been “a covered employee during some or all of the 52 calendar weeks immediately preceding the qualifying event for which paid leave is being taken.” D.C. Code § 32-541.01(6)(A); also, Because the benefit is based on the average weekly wages earned during the four-quarter period preceding the leave, applicants with limited work history and earnings would receive a minimal amount, disincentivizing claims for benefits by workers with little to no paid work history.

<sup>65</sup> Dozier, Kimberly, “As Washington, D.C. Weighs Reopening, African Americans in the Nation’s Capital Brace for the Worst.” *Time*, May 26, 2020, available at: <https://time.com/5842744/reopening-washington-dc-african-americans-coronavirus/>

### ***3. Create a flyer to help Universal Paid Leave claimants understand their rights.***

The agency's outreach to businesses in 2019 regarding employers' obligations under the Universal Paid Leave Act was excellent, encompassing town halls, business walks, a new public website, and branded print materials. According to the FY2019 DC Paid Family Leave Report for the third quarter, the agency's webinars reached more than 2,000 employers. The Committee hopes the program will build on this success with further outreach and education to communities expected to be most interested in using paid family leave when it becomes available on July 1, 2020.

Expectant parents and others who will use paid family leave in our city must navigate a maze of laws as they plan their leave period. In the District, this not only includes the Universal Paid Leave Law, but also the D.C. Family and Medical Leave Act, the Protecting Pregnant Workers Fairness Act, and the federal Family and Medical Leave Act.<sup>66</sup> DOES should develop materials that help workers become acquainted with the rights and protections that they have under these different laws. The agency should partner with the Office of Human Rights (which enforces the D.C. Family and Medical Leave Act and the Protecting Pregnant Workers Fairness Act) to create a high-quality flyer that details to whom each law applies, the limitations and rights under each law, and where to go for further information. A good template for this would be the "COVID-19 Scenarios and Benefits Available" document the agency created in March 2020 because it lays out common situations and which laws apply in what scenarios.<sup>67</sup> Under the Committee-proposed BSA subtitle "Universal Paid Leave Fund Amendment Act of 2020," (see Chapter IV.B.8 of this report) the agency has nearly \$2 million available which could be used for this purpose. By developing these interactive tools, the agency will help workers grow familiar with the DOES website, understand their rights, and ensure that workers receive consistent, accurate information.

### ***4. Build on existing relationships to inform the public about the program.***

Since the Universal Paid Leave Act was passed in 2016, the public, nonprofit policy organizations, employers and business alliances, the healthcare community, and legal advocacy groups have all come forward to provide input about how the District can launch one of the best paid leave programs in the country. When the program launches in July, DOES will be unable to conduct much of the in-person outreach that has been so important for letting the public know about the Paid Leave program. The Committee hopes that DOES will rely on these important stakeholders for help in getting the word out about the Paid Leave program.

---

<sup>66</sup> D.C. Code §32-501 et seq. (Family and Medical Leave), D.C. Code §32-541.01 et seq. (Universal Paid Leave), D.C. Code §32-1231.01 et seq. (Reasonable Accommodations for Pregnant and Nursing Workers), and 29 USC §2601 et seq. (Family and Medical Leave).

<sup>67</sup> DC Department of Employment Services, "COVID-19 Scenarios & Benefits Available", available at: [https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/COVID19\\_DOES\\_Scenarios.pdf](https://coronavirus.dc.gov/sites/default/files/dc/sites/coronavirus/publication/attachments/COVID19_DOES_Scenarios.pdf)

The agency's experience during the COVID-19 public health emergency this year has shown that there are many opportunities for improvement in its public-facing materials and customer relations processes. The Committee hopes that DOES will draw on the lessons it learned through responding to the health emergency in order to also improve the Paid Leave program. For example, the public clamored when it realized that unemployment insurance (UI) benefits applications could not be submitted using smart phones. And with the usual free public internet access unavailable (libraries, AJCs), advocates asked DOES to accept UI applications over the phone. The Committee anticipates that DOES will provide these alternate options to Paid Leave applicants in order to minimize the disruption caused by the public health emergency and stay-at-home orders. (Please see Chapter II.C.2.b.A and Chapter IV.B.5 of this report for more information on the Unemployment Insurance recommendations.)

#### **D. LABOR STANDARDS: Office of Wage-Hour (OWH)**

As our city contends with the economic effects of the COVID-19 pandemic, it is essential that we identify opportunities to streamline the administration of laws enforced by our executive agencies. The Committee has identified several OWH practices that can be modified in FY2021 to ensure that workers' claims are assessed and resolved more efficiently, allowing OWH to accomplish more with existing resources.

##### ***1. Eliminate delays in issuing notices of complaints to employers.***

At the March 6, 2020, performance oversight hearing, the DOES Director stated that once a wage-hour complaint is filed with OWH, the agency may take up to 45 days before requesting a response from the employer. Unfortunately, a languishing complaint can mean the escalation of tensions in the workplace, the accumulation of violations against an individual or a group of workers, or an employee abandoning a valid claim, not to mention the erosion of workers' faith in government system that is supposed to help them.

At the performance oversight hearing, the Director explained that the agency spends these 45 days collecting information from the complainant. If true, this is an extraordinary delay in the administrative process.<sup>68</sup> The law lists five things that an employee must provide to the agency in order to initiate their complaint.<sup>69</sup> Four of these are fairly brief (contact information, a signature, the allegation, and the date it occurred); the complainant also has to provide information sufficient for the agency to identify the employer.<sup>70</sup> There may be instances where the complainant needs the assistance of OWH

---

<sup>68</sup> Contrast this with unemployment insurance compensation determinations, which the relevant DOES division is generally able to make in 15 or fewer days.

<sup>69</sup> D.C. Code §32-1308.

<sup>70</sup> Employer contact information can be obtained in a variety of ways, including a review of employer quarterly reports to the unemployment system or the Universal Paid Leave system, both housed within DOES; business registration records maintained by the Department of Consumer and Regulatory Affairs or by utilizing a commercially available investigative database such as Thomson Reuters' CLEAR; DOES also typically receives a five-page complaint form detailing the circumstances of the violation from complaint filers, although this Committee has previously recommended against such using such a cumbersome complaint form.

to articulate the violation they experienced, since workers often fail to grasp the breadth of their rights under the law.<sup>71</sup> But even a follow-up telephone call to gather more facts from the complainant can be placed and returned in a few days. The agency should notify the employer within three or four business days of receiving the complaint, and need not wait for the complainant to send all of his or her evidence to the agency before doing so. During the 20-day period when DOES is awaiting the employer response to the complaint, the agency can collect additional information from the employee about what happened to him or her that led to the complaint.

## ***2. Demand evidentiary documents from employers.***

The agency must also resolve complaints more efficiently. One way to do this is by actively requesting the time and pay records employers are already required to maintain under District law because these can support or refute the worker's claims. Right now, an employer may or may not include evidence supporting their position even though the law says that employer have to keep certain records for this exact purpose. The Committee recommends that if the employer doesn't provide these records during a DOES investigation, DOES find that the employee has sufficiently proven that the violation happened as the employee alleged (i.e., met their "burden of proof").<sup>72</sup>

## ***3. Conserve agency time and finances by reducing non-wage-hour complaint filings.***

The Committee is concerned that 250 complaints -- nearly 40 percent -- of 641 complaints filed with OWH in FY2019 did not move past the complaint filing stage.<sup>73</sup> At the performance oversight hearing on March 6, the agency Director was unable to provide an analysis of why so many complaints are closed without an investigation. The Director suggested that some complaint issues resolve before the agency moves the complaint forward and that, in other cases, claims filed at DOES are actually enforced by a sister agency (such as the Office of Human Rights), or by the federal government. In order to improve overall efficiency of the division, OWH should begin recording the reasons why cases are closed in order to better determine the reason for so many dropped complaints. This could easily be done for a preliminary period of three months in order to begin to identify patterns. Then, the agency could proactively prevent improper filings by updating website information or taking other measures, enabling OWH staff to focus their efforts on investigating and resolving only cases involving wage-hour matters.

---

<sup>71</sup> D.C. Code §32-1308.01(b)(3) requires the agency to request additional information from the complainant to "amend, clarify, or amplify" allegations.

<sup>72</sup> D.C. Code §32-1308.01(e)(4) provides, in part, that the burden of proof ... "shall rest upon the complainant, but shall shift to the respondent when" the respondent's records "are imprecise, inadequate, missing, fraudulently prepared or presented, or are substantially incomplete."

<sup>73</sup> Department of Employment Services, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," February 7, 2020, Response to Question 48; available at: [https://dccouncil.us/wp-content/uploads/2020/02/DOES-PO-Questions-2020\\_Final-Response.pdf](https://dccouncil.us/wp-content/uploads/2020/02/DOES-PO-Questions-2020_Final-Response.pdf)

***4. Require employers to provide the Notice of Hire form to their employees, to prove they have provided it, and to pay penalties when they do not.***

DC law requires employers to provide a Notice of Hire form to all workers when they start a new job and whenever any of the information on the form changes, such as when there is a minimum wage increase.<sup>74</sup> As our local economy emerges from the economic effects of the COVID-19 pandemic, it is important that workers returning to the labor force after long periods of unemployment are provided with this written record of the basic terms of their work.

The Notice of Hire form serves to set common expectations for the terms of employment: the employer's name, address(es), telephone number, as well as how much the employee will be paid hourly, what commission or other non-hourly payment rates apply, the regular payday set by the employer, whether the employee is classified as exempt from certain laws (such as overtime), and the tip-sharing policy for tipped workers. According to worker advocates who speak with hundreds of local DC workers each year, as well as workers with whom the Committee has spoken, many—if not most — employers in our city do not provide this form to their workers. This unfortunately makes it easy for the employer to unilaterally change pay rates, tip pooling terms, or improperly classify their employees at any time without reproach. It also hinders the agency's ability to investigate whether an employer has set lawful employment terms because there is no record to rely on to see what those employment terms were.

Each and every time a worker brings a wage and hour case to the agency, DOES should demand that the employer provide the agency with proof that Notice of Hire forms were given to the employee. The agency can review the form to see what the employer and employee agreed to at the time of hire, and use it to resolve the dispute. If an employer cannot produce this document and proof the completed form was provided to the worker, the agency should accept an employee's allegations as true. DOES should also always ask workers who bring a claim if their employer has provided the form to them because the form may be helpful evidence for their case. The agency must also impose a \$500 penalty on an employer for each employee who has not been provided with the Notice of Hire form.<sup>75</sup> This will underscore the importance of this document and incentivize the employer to use it in the future.

***5. Address retaliation complaints the week they are filed.***

DOES must begin to act immediately when a worker brings the agency a complaint alleging retaliation, rather than treating such charges with the methodical, but slow, pace it uses for all other complaints. Retaliation such as demotion, suspension, or termination causes serious financial hardship to an individual, but it can also instill fear in other workers

---

<sup>74</sup> D.C. Code §32-1008(c) details what the Notice must include and when it must be provided.

<sup>75</sup> D.C. Code §32-1011(d)(1)(e) provides that an employer is liable to pay \$500 for each failure to provide each employee the written notice as required by § 32-1008(b)(c).

who observe it happening and don't see their local wage-hour enforcement office doing anything about it.<sup>76</sup>

The Committee heard at the March 4, 2020, performance oversight hearing about a worker who had experienced retaliation because he had inquired with his employer about his right to paid sick leave. This likely violated District law.<sup>77</sup> At that same hearing, worker organizations DC Jobs with Justice and the Restaurant Opportunities Center-DC (ROC-DC) urged the agency to act more quickly when a worker believes they have been retaliated against for exercising their rights under the law.<sup>78</sup> We agree that it is imperative that the agency step up its efforts when it comes to instances of retaliation in the workplace by acting more quickly on retaliation allegations and funneling these issues to the most experienced case handlers.

According to experts in strategic enforcement, the best chance someone has of returning to their job after being retaliated against by their employer is when the enforcement agency intervenes close in time to the retaliation.<sup>79</sup> According to Director Unique Morris-Hughes, the agency strives to address retaliation charges within 20 days of a complaint's receipt. This is too long when the stakes involve a worker's loss of a paycheck or a job. DOES must escalate for immediate review (within 24 or 48 hours) any case in which a worker claims their employer has suspended or fired them due to assertion of their rights under DC law.

Complaints alleging retaliation can be prioritized for quick, effective resolution without additional cost to the agency by enlisting the most qualified OWH staff. In FY2019, DOES only received 20 complaints alleging retaliation and the majority of these went unresolved. With so few retaliation complaints, the agency can adopt this recommended change in order to address retaliation more quickly without a need for additional personnel or funding, while helping improve outcomes for the most egregiously harmed workers. Ensuring that the most knowledgeable staff in the agency quickly review the workers' claims will give the worker confidence in the agency and put the employer on notice that any further action against the employee will risk charges from DOES. The agency should use its authority to get the business owner on the phone, get the employer's side, and negotiate the employee's return to work when it appears the employer was in the wrong. Even where such intervention is unsuccessful or the allegation unfounded, the employee's colleagues in the workplace will have observed that retaliation in their workplace does not go unnoticed by DOES.

---

<sup>76</sup> Round, Jen. Tool 1: Complaints, Intake, and Triage, August 2018, available at:

[https://www.clasp.org/sites/default/files/publications/2018/09/2018\\_complaintsintakeandtriage.pdf](https://www.clasp.org/sites/default/files/publications/2018/09/2018_complaintsintakeandtriage.pdf)

<sup>77</sup> D.C. Code §32-531.08 provides that “[a]n employer shall not discharge or discriminate in any manner against an employee because the employee” complains to the employer, files a complaint alleging a violation, or informs anyone about their rights under the sick and safe leave law.

<sup>78</sup> See Archived Video, March 4, 2020, “FY2020 DOES Performance Oversight Hearing” beginning at 1:08:52.

<sup>79</sup> David Weil, “Improving Workplace Conditions Through Strategic Enforcement,” May 1, 2010, available at <https://ssrn.com/abstract=1623390>.

**6. Do not constrain employees from discussing settlement terms and expand the scope of settlement agreements.**

The Committee recognizes that settlement can often be the best way to resolve a dispute because it spares the parties and DOES the time and resources they would otherwise dedicate to the formal review process. Efficient resolution of complaints can help keep agency costs low, but can sometimes mean that not every problem comes to light during an investigation. Therefore, going forward, OWH should strengthen its compliance efforts in two ways. First, DOES must never permit a settlement agreement to stop an employee from being able to speak freely about their experience in the workplace. Second, DOES should look to settlement agreements entered into by the Office of Attorney General as useful guides for how DOES's settlements can provide forward-looking relief to groups of workers who have experienced violations.<sup>80</sup>

DOES works to help parties find a satisfactory resolution of a worker's wage-and-hour claim. If the worker and employer agree to settle without the agency reaching a formal determination, DOES drafts a settlement agreement stating that the employer agrees to pay the worker and, in exchange, the worker agrees not to move forward with their complaint. It is the Committee's understanding that DOES drafts the agreement on agency letterhead but that DOES intends for the agreement to reflect the obligations that the two parties have to each other. The agreement is signed by the two parties.

It has come to the Committee's attention that some agreements contain the following provision: "It is further agreed by the parties that no party shall divulge the terms of this agreement to any person other than to a spouse, tax professional or as otherwise required by law." This term interferes with employees' rights and impedes the agency's ability to find violations of the laws it enforces. The Director told the Committee at the oversight hearing that this term is only included when the parties agree to it. This overlooks the power and information differential between an employer and an employee which makes it harder for the employee to speak up for what they want in the settlement. For example, the employer will likely have had more experience negotiating and signing contracts and their terms, and may even be represented by an attorney. The employer also retains the ability to control all of the terms of the employee's work and, ultimately, their ability to earn a living.

As the agency charged with overseeing employees' workplaces, wages, and working hours, DOES should be eager for workers to share their experiences with one another in order to get the word out about workers' rights. Silencing an employee in a settlement sanctioned by DOES impedes the agency from finding out about ongoing violations by an employer that was already investigated or with previously undiscovered violations. It should also be a red flag to the agency when an employer wants to muzzle a wronged worker from being able to speak about their experience, and in such a case, the agency should take extra care to craft compliance terms that will ensure that the employer fully complies with the law going forward. Finally, the agency must *never* permit a

---

<sup>80</sup> See, for example, *District of Columbia vs. Power Design, Inc. and JVA Services, LLC* settlement available at <https://oag.dc.gov/release/ag-racine-announces-national-electrical-contractor>

settlement that includes the provision that an employee cannot divulge agreement terms to be reduced to an administrative order. Reducing it to an administrative order as allowed by section § 32–1308.01(d)(1) of the D.C. Code, would make the problematic settlement term a direct order from the government. Such an order would amount to the government inhibiting private speech in conflict with the First Amendment to the United States Constitution.<sup>81</sup>

It is imperative that settlement terms explicitly state what the employer’s obligations are, and that DOES use the settlement document to secure the employer’s agreement to fulfill those obligations. Shockingly, when DOES determines that an individual employee’s rights were violated, the agency does not require employers to agree to bring their entire workplace into compliance with the law. It should. The agency should look to settlements entered into by the Office of the Attorney General as a model for its own agreements. In the *District of Columbia v. Power Design, Inc. and JVA Services, LLC* settlement, for example, the District required the employer to bring their workplace policies and practices into compliance with the law upon execution of the settlement. The settlement reads: “PDI shall institute or continue to implement policies and procedures sufficient to ensure compliance with [all applicable District worker protection laws].” A term like this places the burden on the employer believed to or found to have violated wage-and-hour laws to correct outstanding violations without the need for further investigative or enforcement efforts by the agency. Even if a settlement is based on an individual, rather than workplace-wide, violation, this term will make it more likely that the employer corrects other violations throughout the workplace. In the event an employer has not learned its lesson, the District can sue the employer both for the underlying violation and for breach of contract.

### ***7. Improve wage-hour complaint form***

Last year, the Committee urged DOES (1) to remove the notarization language from its complaint forms and (2) revise these forms according to recommendations from The Lab DC and suggestions from the advocacy community. The online complaint form has not yet been revised to exclude the problematic notary language.<sup>82</sup> The complaint form was criticized for not being easily accessible via mobile devices, difficult to read because it includes both English and Spanish instructions in red and black ink, and for its length. The agency should revisit the recommendations.

---

<sup>81</sup> D.C. Code section 32-1308.01(d)(1) states that the agency may reduce the terms of a conciliation agreement to an administrative order enforceable by the Mayor or the complainant.

<sup>82</sup> Response to question 47 reads: “The Office of Wage-Hour has removed all language referencing assignment from all claim forms... The online form, however, is in the process of being updated to reflect this change.” DC Department of Employment Services, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions.”

### 3. FY 2021-2026 CAPITAL BUDGET

Project No	Project Title	Fund Detail	Fund	Allotment Scenario	Unspent Allotment as of 5-16-20	Allotment as of 5-16-20	FY 2021	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	6-yr Total		
<b>DEPARTMENT OF EMPLOYMENT SERVICES (CFO)</b>															
PFL08C	PAID FAMILY LEAVE IT APPLICATION	304	Short-term Bonds	Available Balances	43,552,096	43,536,700	0	0	0	0	0	0	0		
				Committee's FY21 Recommendation											
		314	Restricted Paygo	Available Balances	10,164,709	5,281,917	0	0	0	0	0	0	0		
				Committee's FY21 Recommendation											
<b>PFL08C Total</b>					<b>53,716,805</b>	<b>48,818,617</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>		
SNTRCC	DC INFRASTRUCTURE ACADEMY	300	GO/IT Bonds	Mayor's Proposed FY21 CIP Change	0	0	0	26,473,850	14,255,150	0	0	0	40,729,000		
				Available Balances	7,476,858	7,476,858	0	0	0	0	0	0	0	0	
					Committee's FY21 Recommendation										
		301	Paygo	Approved FY20 CIP for FY21-25	0	0	2,300,000	4,300,000	4,300,000	0	0	0	0	10,900,000	
				Mayor's Proposed FY21 CIP Change	0	0	(2,300,000)	(4,300,000)	(4,300,000)	0	0	0	0	(10,900,000)	
					Committee's FY21 Recommendation										
306	Private Donations	Available Balances	3,635,000	3,635,000	0	0	0	0	0	0	0	0			
		Committee's FY21 Recommendation													
<b>SNTRCC Total</b>					<b>11,111,858</b>	<b>11,111,858</b>	<b>0</b>	<b>26,473,850</b>	<b>14,255,150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>40,729,000</b>		
UIM02C	UI MODERNIZATION PROJECT-FEDERAL	300	GO/IT Bonds	Available Balances	(100,900)	(749,166)	0	0	0	0	0	0	0		
				Committee's FY21 Recommendation											
		304	Short-term Bonds	Approved FY20 CIP for FY21-25	0	0	7,450,000	0	0	0	0	0	0	7,450,000	
				Mayor's Proposed FY21 CIP Change	0	0	(5,450,000)	5,450,000	0	0	0	0	0	0	
					Committee's FY21 Recommendation										
		350	Federal HTF	Available Balances	6,639,899	6,639,899	0	0	0	0	0	0	0	0	
Committee's FY21 Recommendation															
<b>UIM02C Total</b>					<b>28,186,605</b>	<b>18,170,286</b>	<b>2,000,000</b>	<b>5,450,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>7,450,000</b>		
<b>CFO Total</b>					<b>93,015,268</b>	<b>78,100,761</b>	<b>2,000,000</b>	<b>31,923,850</b>	<b>14,255,150</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>48,179,000</b>		

The Mayor's proposed budget for DOES includes \$2,000,000 in capital funds for FY2021 with a six-year total for FY2021-FY2026 of \$48,179,000. The capital improvement plan includes \$93,015,268 in unspent allotments which the Mayor proposes to reduce by \$16,500,000 through the Supplemental Budget, leaving a total of \$78,100,761 in available funding.

#### Committee Analysis and Comments

##### 1. *Analyze whether DC Infrastructure Academy is best housed at 2500 Benning Road NE or can be located east of the River*

The Mayor has proposed relocating the DC Infrastructure Academy from the existing location on Pomeroy Street, SE (Ward 8) to 2500 Benning Rd, NE (Ward 5) in the old Spingarn High School. While the proposal will provide a larger operating facility for the infrastructure industry, the location is west of the Anacostia River and public transportation is limited to WMATA bus or DC Streetcar. The Committee is supportive of the DC Infrastructure Academy finding a new home but strongly recommends DOES continue searching for a location East of the River. The Committee asked the Executive multiple times what their process was to select Spingarn, including the City Administrator and the director of DOES. No clear answer was provided.

Ideally, DCIA will be located in Ward 8 where unemployment, which has the highest unemployment rates historically. Access to public transportation and affordability of transportation is a barrier for families East of the River. The Committee is committed to reducing barriers. Therefore the Committee is not reducing the capital funds associated with the Academy's new home, but the Committee strongly recommends DOES review all options east of the River to locate a facility in Ward 8 they can properly renovate, and at a pace that allows the District enough time to create a better plan for how to operate the Academy over the coming years. The Committee recommends amending the project description in the Capital Improvement Plan to read as follows:

[current project description] This project will support build-out of the DC Infrastructure Academy, a program that will focus on occupational skills training and work-based learning initiatives related to the infrastructure industry, including the utility, energy efficiency, transportation and logistics sectors. At the Academy, industry partners, training providers such as, labor unions and trade associations, will offer a diverse skills training allowing District residents the tools to begin and sustain careers in the infrastructure industry.

[new text to add] Prior to expending any funding on design for the 2500 Benning Road NE location, the CF0 and AM0 must thoroughly review any and all options for locations east of the Anacostia River. A preference should be given to those located in Ward 8 with close access to both Metrorail and Metrobus stations.

## ***2. Implement the UI Modernization Capital Project Expediently***

The Committee commends DOES for its efforts to respond to the public health emergency that began in March 2020. The agency mobilized quickly to increase its staffing, update its online system, introduce and implement changes to the law, and provide guidance to the public all while also adapting to life during a pandemic. The DOES employees and volunteers who contributed to this effort deserve sincere thanks from gratitude of anyone who lives and works in our city.

### **Unemployment Insurance System Modernization**

The past months have shown in a way never anticipated the urgency and importance of having a modern unemployment insurance (UI) delivery system. One year ago this Committee expressed its concern that “shifting timelines, changing budgets, a lack of a detailed spending plan, contradictory information, and little progress to date” on the capital project modernizing the UI system would not be completed on time.<sup>83</sup> The District was not unique amongst its peer states; in fact, most state unemployment systems are in desperate need of updating. Unfortunately, DOES lost its opportunity to proactively equip itself for a crisis by updating its online UI application system and instead could only reactively work to address the new challenges that the pandemic brought with it.

The UI modernization project entails development of new employer-facing and employee-facing portals that will serve the needs of these different audiences as well as allow for the agency to access this information. The project was first funded in 2012 and is expected to cost \$45 million as of the FY2021-2026 Capital Improvement Plan.<sup>84</sup> There

---

<sup>83</sup> See committee on Labor and Workforce Development, “Report and Recommendations of the Committee on Labor and Workforce Development on the Fiscal Year 2020 Budget for Agencies Under Its Purview,” May 1, 2019, p. 82-84, available at [https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/466/attachments/original/1557953017/FY20\\_LW\\_D\\_Budget\\_report\\_submitted\\_version\\_with\\_techncial\\_correx\\_05-15-19.pdf?1557953017](https://d3n8a8pro7vhm.cloudfront.net/silverman/pages/466/attachments/original/1557953017/FY20_LW_D_Budget_report_submitted_version_with_techncial_correx_05-15-19.pdf?1557953017).

<sup>84</sup> Government of the District of Columbia, “FY 2021 Proposed Budget and Financial Plan, Volume 5, FY 2021 to FY 2026 Capital Improvements Plan,” page 50-CF0, available at: <https://app.box.com/s/19dd9zxaok2l93b6p985dolsi9p8c366>

are two main components of the project: one is improving the benefits front-end (claimant portal) and benefits back-end systems (used by the agency); and the second is redoing the tax system back-end (used by the agency).<sup>85</sup> As costly as the modernization project is, the contracts to maintain the outdated UI systems at DOES are much more costly. One of the key justifications for the modernization project was the agency's desire to reduce its dependency on external contractors but, thus far, the project has only served to prolong those relationships and attendant costs.<sup>86</sup>

## Web Portal

A significant part of the modernization project is the complete overhaul of the benefits system, which is the online portal where applicants for UI input their personal and work history information in order to qualify for benefits. At the June 4 budget oversight hearing, the DOES Director indicated that launching an updated benefits system is one of the agency's top priorities. DOES must ensure that the public's concerns are addressed by the new system through including the following functions: (1) Operate on all web platforms and mobile devices; (2) Be accessible to people with disabilities; (3) Secure employer and employee data; (4) Function with minimal errors; and (5) Be suitable for efficient updates according to legal requirements. (The Committee has recommended a Budget Support Act subtitle to require many of these elements; see Chapter IV.B.5.)

According to the agency's 2018 report to the U.S. Department of Labor, one half of the modernization project – updating the public-facing online website where applicants file for benefits (the “claimant portal”) – was to be completed by the first quarter of 2019.<sup>87</sup> In last year's oversight responses, the agency stated that its UI claimant portal would be completed by July 2019, but that target was also missed.<sup>88</sup> Unfortunately, the COVID-19 pandemic and resulting UI claims slammed the agency beginning in March 2020, exposing many of the system's shortcomings and emphasizing again the dire need for modernization.<sup>89</sup>

---

<sup>85</sup> The tax front-end was revised with operating funds under a contract signed in 2014, although according to reports to the committee, the original timetable transitioned from 1 year to several years after errors in the first launch took years to resolve. This is the existing Employer Self-Service Portal (ESSP).

<sup>86</sup> Government of the District of Columbia, “FY 2021 Proposed Budget and Financial Plan, Volume 5, FY2021 to FY2026 Capital Improvements Plan,” page 50-CF0

<sup>87</sup> Department of Employment Services, “Responses to Fiscal Year 2018-2019 Performance Oversight Questions,” February 15, 2019, Attachment to Q137, page 3, available at <http://dccouncil.us/wp-content/uploads/2019/02/DOES-2019-PO-responses-02-18-19.pdf>.

<sup>88</sup> DC Department of Employment Services, “Responses to Fiscal Year 2018-2019 Performance Oversight Questions,” February 15, 2019, p. 60-63.

<sup>89</sup> Fenit Nirappil, “Delays in overhauling D.C. unemployment site add to turmoil of coronavirus layoffs,” *Washington Post*, April 2, 2020, available at: [https://www.washingtonpost.com/local/dc-politics/delays-in-overhauling-dc-unemployment-site-fueled-turmoil-in-covid-19-crisis/2020/04/02/ebe7d81e-73ad-11ea-87da-77a8136c1a6d\\_story.html](https://www.washingtonpost.com/local/dc-politics/delays-in-overhauling-dc-unemployment-site-fueled-turmoil-in-covid-19-crisis/2020/04/02/ebe7d81e-73ad-11ea-87da-77a8136c1a6d_story.html); Mitch Ryals, “A Delayed Makeover of D.C.’s Unemployment Website Impacts Tens of Thousands of Residents,” *Washington City Paper*, April 2, 2020, available at: <https://www.washingtoncitypaper.com/news/loose-lips/article/21125964/a-delayed-makeover-of-dcs-unemployment-website-impacts-tens-of-thousands-of-residents>

The website has to be made accessible for all web browsers and devices. The current UI system is only optimized for Internet Microsoft Explorer even though that internet browser was last updated in 2013.<sup>90</sup> Present-day users with Safari, Mozilla Firefox, Chrome, or Microsoft Edge are unable to view the landing webpage as intended. Instead, a Safari user, for example, has to manually scroll to the right to view the right half of the text on the page. DOES frequently told claimants to use Internet Explorer and not another browser. These difficulties are exacerbated for residents who can only use smartphones or tablets to complete their application, especially since no public computers were available.<sup>91</sup> A fully modernized system will allow for access via Android and Apple smartphones as well as most tablets (such as an iPad).

The Committee encourages DOES to ensure that applicants who have disabilities can use the online application system as required by the Americans with Disabilities Act.<sup>92</sup> As participation in the traditional workforce increases for the disability community, more of these workers will also turn to the UI system for support when they have experienced a job loss.<sup>93</sup> Therefore, the new website must be made accessible to people with vision, hearing, and other disabilities through compatibility with screen readers, magnifiers, and keyboard commands.<sup>94</sup> The site must also be capable of routine updating so that when software is improved, these vital accessibility tools can still be deployed on the website. DOES should actively engage with the local disability rights community to engage these workers in user testing of the benefits portal to ensure true accessibility.<sup>95</sup>

The UI system must ensure that employer and worker data be protected in transmission (“in the cloud”) and when it’s being accessed inside the agency. Employers required to report employee and wage data to the agency must be assured that their submissions are not vulnerable to hacking or data corruption. Similarly, employees must be assured that personally identifiable information, including Social Security numbers and bank account information, cannot be accessed during or after they have applied for UI benefits. The process requires applicants to email copies of sensitive documents (such as a driver’s license and Social Security card), making those applicants susceptible to identity theft.<sup>96</sup> DOES must implement stronger security around the submission of documents as well as ensure that personally identifiable information is only accessible by those employees who must review it related to their job functions.

---

<sup>90</sup> [https://en.wikipedia.org/wiki/Internet\\_Explorer\\_11](https://en.wikipedia.org/wiki/Internet_Explorer_11)

<sup>91</sup> Aaron Smith, “U.S. Smartphone Use in 2015,” April 1, 2015, available at:

<https://www.pewresearch.org/internet/2015/04/01/us-smartphone-use-in-2015/>

<sup>92</sup> U.S. Department of Justice Civil Rights Division, “ADA Best Practices Tool Kit for State and Local Governments” available at: <https://www.ada.gov/pcatoolkit/chap5toolkit.htm>.

<sup>93</sup> U.S. Bureau of Labor Statistics, “Employed persons by disability status, occupation, and sex, 2019 annual average,” available at: <https://www.bls.gov/news.release/disabl.t03.htm>

<sup>94</sup> Allen Smith, “Can People with Disabilities Use Your Careers Website?” October 22, 2018, available at: <https://www.shrm.org/ResourcesAndTools/legal-and-compliance/employment-law/Pages/Can-People-with-Disabilities-Use-Your-Careers-Website.aspx>

<sup>95</sup> Two potential resources for this are the American Council of the Blind and the Washington Lawyers’ Committee.

<sup>96</sup> Eric Flack, “DC eyes unemployment changes after WUSA9 investigation highlights privacy gaps,” April 14, 2020, available at: <https://www.wusa9.com/article/news/health/coronavirus/identity-theft-dc-unemployment-privacy-concerns/65-d7c54857-6e43-4384-8450-c2935c5289ff>

According to callers to the Council during the COVID-19 pandemic, users experience several errors when attempting to apply for or certify benefits. For example, some users have had their application freeze before they are finished filling in their information, which means they have to reboot their browser and start their application all over again. Others have lost their passwords and, instead of being able to reset them via email, must wait for the agency to reset them. Finally, an overwhelming number of people who spoke to the Council were frustrated that they could not simply find out the status of a claim. In many cases workers just wanted information about whether their claim was accepted and how long it would be before they received a response or payment. The new system should save applicants' information as they progress through the system, send a confirmation email that the claim was received, provide status updates as the claim moves through the process, and state how long it will be until they get a decision.<sup>97</sup> If Domino's Pizza can provide this service to its customers, so can the District.<sup>98</sup>

Finally, the pandemic illustrated how important it is to have a UI system that can be customized in order to comply with changing federal and District laws. A proprietary UI system like the one DOES currently operates constrains the universe of potentially qualified bidders. But it is in our interest to cast a wider net when hiring a contractor to develop this vital system. Depending on the complexity of any problem or future circumstances that may arise, relying on vendors with specific experience with the District's proprietary system can result in delay if the original contractor is not immediately available or lacks capacity at the time a need arises. In contrast, modern systems based on modern coding languages are much more easily modified to meet changing needs. Therefore, such a system would better suit a system like UI which will always have to conform with the changing requirements prescribed the federal government.

---

<sup>97</sup> This addition to the web portal would also help reduce the number of callers using the phone line to find out the status of their claims.

<sup>98</sup> See for example [https://www.huffpost.com/entry/dominos-pizza-tracker\\_b\\_5947734](https://www.huffpost.com/entry/dominos-pizza-tracker_b_5947734)

#### 4. SUMMARY OF COMMITTEE RECOMMENDATIONS

##### a. Fiscal Year 2021 Operating Budget Recommendations

Please see Attachment A for all details.

1. Maintain funding for workforce development programmatic needs as proposed
2. Fund and implement the DC Infrastructure Academy Employer Engagement Amendment Act (BSA Subtitle)
  - Increase: Add Industry Committee Coordinator (1 FTE), Grade 12 in Program 4000 (Workforce Development), Activity 4260 (DC Infrastructure Academy): \$129,462 in recurring PS funds
3. Fund and implement the School Year Internship Pilot Program Amendment Act of 2020 (Budget Support Act subtitle).
  - Increase: Program 4000 (Workforce Development), Activity 4810 (Year Round Youth): \$915,669 (\$28,226 in recurring PS funds; \$366,198 in one-time PS funds; and \$521,245 in one-time NPS funds), to be placed in Activity 4810.
4. Fund and implement public education campaign of the Tipped Wage Worker Fairness Amendment Act of 2018 (Law Passed Subject to Appropriations, B22-913)
  - Increase of \$100,000, in Office of Wage Hour (Activity 3200), CSG 40.
5. Ensure that monies in the District of Columbia Jobs Trust Fund are spent in the manner required by law.
6. Enhance budgets for job training that leads to occupational credentials in high-demand fields

##### Workforce Development (Program 4000)

- \$296,000 to the DC Infrastructure Academy (Activity 4260) CSG 50 in one-time NPS funds, to provide training for Commercial Drivers Licenses. The Committee notes that this budget will support the provision of work readiness and CDL training for 29 individuals if wage subsidies are provided or 48 people if all funds are used for training.
- \$300,000 to the DC Infrastructure Academy (Activity 4260) CSG 50 in recurring NPS funds, to provide training in Information Technology. The Committee notes that this budget will support the provision of work readiness and IT training for 27 individuals if wage subsidies are provided or 36 people if all funds are used for training.

7. Right size the budgets of overhead and non-programmatic budget lines that have been overbudgeted and/or underspent

- Decrease funding: Program 1000 (Agency Management), Activity 1040 (Information Technology): *decrease* CSG 20 (Supplies and Materials) by \$12,650 in recurring funds.
- Decrease funding: Program 1000 (Agency Management), Activity 1030 (Property Management) *decrease* CSG 40 (Other Service and Charges) by \$9,190 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4200 (Program Performance Monitoring) *decrease* CSG 20 (Supplies and Materials) by \$3,013 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4300 (Office of Apprenticeship Information) *decrease* CSG 20 (Supplies and Materials) by \$1,318 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4510 (First Source) *decrease* CSG 20 (Supplies and Materials) by \$1,814 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development Activity 4900 (State-wide Activities) *decrease* CSG 40 (Other Service and Charges) by \$52,095 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4200 (Program Performance Monitoring) *decrease* CSG 41 (Contractual Services- Other) by \$10,000 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4250 (Local Adult Training) *decrease* CSG 41 (Contractual Services- Other) by \$60,012 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4500 (Employer Services) *decrease* CSG 41 (Contractual Services- Other) by \$21,131 in recurring funds.
- Decrease funding: Program 4000 (Workforce Development), Activity 4810 (Year-Round Youth) *decrease* CSG 41 (Contractual Services- Other) by \$180,622 in recurring funds.
- Decrease funding: Program 5000 (State Initiatives), Activity 5200 (DC Career Connections) *decrease* CSG 20 (Supplies and Materials) by \$3,800 in recurring funds.
- Decrease funding: Program 5200 (DC Career Connections), Activity 5200 (DC Career Connections) *decrease* CSG 40 (Other Service and Charges) by \$111,505 in recurring funds.

8. Sweep funds from available SPR balances

- \$499,424 from Fund 612, UI Interest and Penalties
- \$230,000 from Fund 619, DC Jobs Trust Fund

9. Reduce vacant positions

Agency Management

- \$75,424 in PS from CSG 11 and 14 and 1 FTE, Public Affairs Specialist, position 75065 from Communications (Activity 1080).

Workforce Development

- \$137,962 in PS from CSG 11 and 14 and 1 FTE, Program Manager, position 22198 from Year-Round Youth (Activity 4810)
- \$168,888 in PS from CSG 11 and 14 and 4 FTEs Workforce Development Specialists, positions 24623, 36322, 36350, 39001 from Year Round Youth (Activity 4810)
- \$81,580 in PS from CSG 11 and 14 and 1 FTE Workforce Development Specialist position 36304 from Summer Youth Employment Program (Activity 4820)

**b. Fiscal Year 2021 Capital Budget Recommendations**

1. Analyze whether DC Infrastructure Academy is best housed at 2500 Benning Road NE or can be located east of the River
2. Implement the UI modernization capital project expeditiously

**c. 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
  - b. Utilize the integrated education and training model
  - c. Utilize the career maps developed by the WIC and individualize career maps to help advise and guide residents to living-wage careers
  - d. 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

## D. EMPLOYEES' COMPENSATION FUND (BG0)

### 1. AGENCY MISSION AND OVERVIEW

The mission of the Employees' Compensation Fund (ECF) is to administer the Public Sector Workers' Compensation program for District of Columbia government employees and to pay the required claims costs of eligible claimants, pursuant to applicable District laws.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$18,041,847	\$25,551,842	\$22,542,849	(\$396,280)	\$22,146,569
<b>Gross Funds</b>	<b>\$18,041,847</b>	<b>\$25,551,842</b>	<b>\$22,542,849</b>	<b>(\$396,280)</b>	<b>\$22,146,569</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	47	52	52	(3.00)	49.00
<b>Gross Funds</b>	<b>47</b>	<b>52</b>	<b>52</b>	<b>(3.00)</b>	<b>49.00</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
0010	Disability Compensation Fund	\$18,041,847	\$25,551,842	\$22,542,849	(\$396,280)	\$22,146,569
	<b>Total</b>	<b>\$18,041,847</b>	<b>\$25,551,842</b>	<b>\$22,542,849</b>	<b>(\$396,280)</b>	<b>\$22,146,569</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<b>Comp Source Group</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
11	Regular Pay - Continuing Full Time	\$1,585,478	\$1,639,326	\$2,497,520		
					(\$328,863)	\$2,168,657
12	Regular Pay - Other	\$14,047,048	\$15,738,190	\$13,230,910		\$13,230,910
13	Additional Gross Pay	\$35,938	\$0		\$0	\$0
14	Fringe Benefits - Current Personnel	\$2,349,747	\$3,201,587	\$2,349,748	(\$67,417)	\$2,282,331
20	Supplies and Materials	\$1,078,527	\$1,510,002	\$1,024,421		\$1,024,421
40	Other Services and Charges	(\$1,100,465)	\$3,462,737	\$3,440,251		\$3,440,251
70	EQUIPMENT & EQUIPMENT RENTAL	\$45,574	\$0			\$0
	<b>Total</b>	<b>\$18,041,847</b>	<b>\$25,551,842</b>	<b>\$22,542,849</b>	<b>(\$396,280)</b>	<b>\$22,146,569</b>

### Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for ECF is \$22,542,849, a decrease of 11.8 percent, from the current fiscal year's budget of \$25,551,842. This budget would support 52 FTEs, an increase of 0 FTEs over the current fiscal year of 52 FTEs. One hundred percent of the ECF budget is in local funds.

### Committee Analysis and Recommendations

#### a. Budget Recommendations

##### 1. Reduce 3 vacant positions.

- Nurse Case Manager, Position 00090691
- Provider Relations Manager, Position 00094989
- Supervisory Workers' Compensation Claims Examiner, Position 00095162

The Committee has analyzed the agency's 52 FTEs. These positions may be reduced with limited impact on agency operations, and workload can be distributed to remaining personnel. Additionally, with a significant portion of the workforce working from home, there may be a reduction in claims for workers' compensation. The total reduction is \$396,000.

**2. The Committee also recommends reducing the agency's FY2020 budget by \$500,000 due to spending less than budgeted.**

## **b. Policy Recommendations**

The ECF is overseen by the director of the Office of Risk Management. Please see the Report and Recommendations of the Committee on Government Operations, chapter on Office of Risk Management, for any policy discussion regarding the public sector workers' compensation program.

### **3. FY 2021-2026 CAPITAL BUDGET**

ECF has no proposed capital budget for FY 2021-2026.

### **4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

1. Reduce 3 vacant positions in FY2021, for a total reduction of \$396,280.
2. Reduce the agency's FY2020 budget by \$500,000.

## E. OFFICE OF EMPLOYEE APPEALS (CH0)

### 1. AGENCY MISSION AND OVERVIEW

The Office of Employee Appeals (OEA) is an independent agency that resolves disputes between government agencies and employees through application of the DC Government Comprehensive Merit Personnel Act (CMPA). OEA hears appeals of employees challenging the following personnel actions: (1) a performance rating which results in the removal of the employee (2) an adverse action for cause that results in removal (3) a reduction in grade (4) a suspension for ten days or more (5) a reduction in force, and (6) a placement on enforced leave for ten days or more.

OEA also conducts mediations between agencies and employees, and administers cases heard by hearing examiners, with the right of appeal to the OEA Board. The Board is composed of five members with expertise in personnel management and labor relations.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$2,100,673	\$2,235,527	\$2,234,311	0	\$2,234,311
<b>Gross Funds</b>	<b>\$2,100,673</b>	<b>\$2,235,527</b>	<b>\$2,234,311</b>	<b>0</b>	<b>\$2,234,311</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	15.00	15.00	15.00	0	15.00
<b>Total</b>	<b>15.00</b>	<b>15.00</b>	<b>15.00</b>	<b>0</b>	<b>15.00</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Agency Management	\$1,147,139	\$1,212,378	\$1,264,531	0	\$1,264,531
2000	Adjudication	\$953,534	\$1,023,150	\$969,780	0	\$969,780
	<b>Total</b>	<b>\$2,100,673</b>	<b>\$2,235,527</b>	<b>\$2,234,311</b>	<b>0</b>	<b>\$2,234,311</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<b>Comp Source Group</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
11	Regular Pay - Continuing Full Time	\$1,569,574	\$1,620,971	\$1,580,511	0	\$1,580,511
12	Regular Pay - Other	\$128,864	\$133,547	\$176,002	0	\$176,002
13	Additional Gross Pay	\$174	\$0		0	
14	Fringe Benefits - Current Personnel	\$320,906	\$363,185	\$361,190	0	\$361,190
15	Overtime Pay	\$187	\$0		0	
20	Supplies and Materials	\$8,722	\$3,000	\$2,940	0	\$2,940
31	Telecommunications	\$0	\$0		0	
34	Security	\$6,927	\$0		0	
40	Other Services and Charges	\$25,628	\$83,824	\$82,688	0	\$82,688
41	Contractual Services - Other	\$33,137	\$30,000	\$30,000	0	\$30,000
70	Equipment and Equipment Rental	\$6,554	\$1,000	\$980	0	\$980
	<b>Total</b>	<b>\$2,100,673</b>	<b>\$2,235,527</b>	<b>\$2,234,311</b>	<b>0</b>	<b>\$2,234,311</b>

### **Summary of Proposed Operating Budget**

The Mayor's FY 2021 budget proposal for OEA is \$2,234,311, a decrease of \$1,216, or 0.05 percent, from the current fiscal year's budget of \$2,235,527. This budget would support 15 FTEs, an increase of 0 FTEs over the current fiscal year of 15 FTEs. One hundred percent of the OEA budget is in local funds.

### **Committee Analysis and Recommendations**

#### **a. Budget recommendations**

The Committee recommends approval of the Mayor's proposed FY 2021 budget for OEA.

## **b. Policy Recommendations**

The committee provides the following recommendations in relation to agency performance over the last year.

- 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 explaining what types of cases the agency has jurisdiction to hear and mediate on the agency website***

The Committee recommends that OEA formalize all guidance related to *pro se* litigants in a unitary document and publish the document on the Office's website. Self-representing parties seeking instructions and guidance on the website would then be able to better prepare for hearings. Due process often entails different considerations for *pro se* litigants than those represented by experienced counsel. In a FY2019 case appealed to D.C. Superior Court, Judge William M. Jackson of D.C. Superior Court's civil litigation division remanded a case back to the agency because the Administrative Law Judge (ALJ) did not adequately consider whether the *pro se* litigant, simply by virtue of being self-represented, was entitled to equitable tolling of a timing rule.<sup>99</sup> The Committee is confident that the agency's administrative law judges are adhering to the guidance of the executive director, board, and general counsel when adjudicating claims involving *pro se* litigants.

Similarly, the Committee recommends that the Office of Employee Appeals draft and publish a document on its website explaining its jurisdiction and informing prospective program participants of the criteria for each of the various type of appeals the agency has jurisdiction over. This District has several thousand employees who are often self-directed when seeking resources to resolve disputes, and are unfamiliar with the overlapping jurisdictions of the District's quasi-judicial agencies. The agency website currently provides information regarding how to file an appeal, the function of the agency's board, and the services and quasi-judicial decisions of the agency. However, the website does not describe the types of cases the agency has jurisdiction to hear, which are: (1) a performance rating which results in the removal of the employee (2) an adverse action for cause that results in removal (3) a reduction in grade (4) a suspension for ten days or more (5) a reduction in force, and (6) a placement on enforced leave for ten days or more.

- 2. Board members should conduct business whenever a quorum is attainable and conduct business thorough virtual means if unable to meet in person.***

The Board's ability to timely review initial decisions by ALJs and issue the board's own final decisions is critical to the mission and function of the agency. The Board is authorized, by agency rule, to conduct business whenever three members (a quorum) are present. The Board should meet whenever permitted under the agency rules to fulfill its duties and obligations, even if some members are not available.

---

<sup>99</sup> Office of Employee Appeals "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," Submitted to Committee on Labor and Workforce Development, Feb. 6, 2020, Attachment 13-A, p. 2 available at <https://dccouncil.us/wp-content/uploads/2020/02/oea.pdf>

In FY19 the Board failed to meet a key performance indicator for the Board's issuance of the projected number of decisions and opinions targeted in its annual performance goals because "the Board could not meet at certain times because not all members were available."<sup>100</sup> It is understandable that the Board prefers to meet when all members are present and able to contribute. However, the Committee recommends that the interest in the participation of all members of the board be balanced against the interest of the parties in a timely resolution of the contested matter. Swift consideration of a case is very important to the parties. The Board should consider that the adjudicative process may continue even after the Board's deliberation and issuance of its final opinion if either party files an appeal in D.C. Superior Court and the Court of Appeals, respectively. The Board should resolve any tension between the availability of the full board for in-person meetings and timeliness of adjudications in favor of timely adjudications. Additionally, if the Board cannot meet in person because of the public health emergency or any other reason, it should meet through virtual means.

### ***3. Publish agency rules in DC Register by September 30, 2020.***

Agency rules should be updated periodically to allow public input regarding processes and procedures. Periodic updates also standardize modernizations and improvements in the substantive methods or processes the agency utilizes to fulfill its mission. The Office of Employee Appeals should complete drafting and publish its first round of agency rules by September 30, 2020, and in so doing, complete a substantial step towards a goal that has been discussed in the agency's performance oversight response materials for the last two years.

The formal process of updating the rules, which includes publication in the Register and a period reserved for public comment and participation in developing the proposed changes to agency rules, fulfills both notice and due process functions in case of litigation challenging the actions of the agency. It also makes less likely that a judge or other judicial authority will negatively assess the agency's specific action, method, or processes made pursuant to the rule change as arbitrary or capricious.

The last update of the agency rules for OEA occurred in March 2012, eight years ago. Since then, the agency has identified multiple opportunities to modernize rules governing important aspects of the agency's mission. For instance, the agency currently does not have a formal rule governing the enforcement of its rulings when a party fails to comply with a valid order of the Board or an ALJ. There are also opportunities to mitigate security risks associated with the agency's storage and distribution of personally identifiable data by establishing redaction rules and processes, and a need to clarify when and under which circumstances a party may file or withdraw a petition.

---

<sup>100</sup> Office of Employee Appeals "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," Submitted to Committee on Labor and Workforce Development, Feb. 6, 2020, Attachment 1, available at <https://dccouncil.us/wp-content/uploads/2020/02/oea.pdf>.

The public health emergency caused by the COVID-19 virus has and will continue to destabilize traditional work processes and workflows in public sector workspaces, especially those that require engagement with the public. Modernizing the agency rules this fiscal year to reflect current best practices and fill policy gaps will provide timely and necessary enhancements to the efficiency and uniformity of agency operations.

**4. Complete review of agency mediation program and report findings and recommendations to Committee.**

Current agency rules require some parties before ALJ's or the Board to undergo a mandatory mediation process prior to adjudication, even if the parties agree at the outset that the dispute cannot be resolved through mediation. In FY2019, 21 percent of attempts at mediation resulted in a successful settlement.<sup>101</sup> The agency identified analyzing the impact and success of the mediation program as a key priority in both FY2019 and FY2020, with the potential to seek future modification or elimination of the mandatory mediation requirement if its resources would be better allocated elsewhere.<sup>102</sup> Because of the low success rate of the mediation process, the Committee urges OEA to continue to collect and analyze the historical data and report its findings back to the Committee.

**3. FY 2021-2026 CAPITAL BUDGET**

OEA has no proposed capital budget for FY 2021-2026.

**4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2021 Operating Budget Recommendations**

The Committee recommends approval of the mayor's proposed FY 2021 budget.

**b. 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 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 thorough virtual means if unable to meet in person.

---

<sup>101</sup> Office of Employee Appeals "Responses to Fiscal Year 2019-2020 Performance Oversight Questions," Submitted to Committee on Labor and Workforce Development, Feb. 6, 2020, Attachment 1, available at <https://dccouncil.us/wp-content/uploads/2020/02/oea.pdf>.

<sup>102</sup> Office of Employee Appeals "Responses to Fiscal Year 2018-2019 Performance Oversight Questions," Submitted to Committee on Labor and Workforce Development, Feb. 6, 2020, Attachment 1, available at <https://dccouncil.us/wp-content/uploads/2019/02/OEA-2019-PO-repsponses.pdf>," ; Office of Employee Appeals "Responses to Fiscal Year 2019-2020 Performance Oversight Questions, Submitted to Committee on Labor and Workforce Development, Feb. 21, 2019, p. 2, available at <https://dccouncil.us/wp-content/uploads/2020/02/oea.pdf>.

3. Publish agency rules in *DC Register* by September 30, 2020
4. Complete review of agency mediation program and report findings and recommendations to Committee

## **F. OFFICE OF LABOR RELATIONS AND COLLECTIVE BARGAINING (PART OF AE0, OFFICE OF CITY ADMINISTRATOR)**

### **1. AGENCY MISSION AND OVERVIEW**

The Office of Labor Relations and Collective Bargaining (OLRCB) is a component of the Office of the City Administrator (OCA), and serves as the Mayor’s principal management advocate in labor matters between the District and unionized employees. OLRCB is responsible for representing management before the Public Employee Relations Board (PERB); engaging in collective bargaining negotiations, including those involving compensation agreements and impacts and effects bargaining; advising the Mayor and District agencies in labor matters; developing and implementing the city’s labor initiatives, and; providing training to labor liaisons, managers, supervisors, and management officials regarding their rights and obligations as required by the Comprehensive Merit Personnel Act and other sources of the District’s labor laws and policies.

OLRCB is composed of three major program units:

1. Negotiations and Contract Administration;
2. Litigation Unit;
3. Administrative and Program Support Unit.

### **2. FISCAL YEAR 2021 OPERATING BUDGET**

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$1,939,588	\$2,243,467	\$2,402,694	0	\$2,402,694
Operating Intra-District Funds	\$99,557	\$0	\$0	0	\$0
<b>Gross Funds</b>	<b>\$2,039,145</b>	<b>\$2,243,467</b>	<b>\$2,402,694</b>	<b>0</b>	<b>\$2,402,694</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	15.66	17.00	17.00	0	17.00
Operating Intra-District Funds	1.71	0.00	0.00	0	0.00
<b>Total</b>	<b>17.37</b>	<b>17.00</b>	<b>17.00</b>	<b>0</b>	<b>17.00</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<b>Program</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
3000	Labor Relations and Collective Bargaining	\$2,039,145	\$2,243,467	\$2,402,694	0	\$2,402,694
	<b>Total</b>	<b>\$2,039,145</b>	<b>\$2,243,467</b>	<b>\$2,402,694</b>	<b>0</b>	<b>\$2,402,694</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<b>Comp Source Group</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
11	Regular Pay - Continuing Full Time	\$1,595,658	\$1,843,931	\$1,844,364	0	\$1,844,364
12	Regular Pay - Other	\$3,714	\$0	\$78,882	0	\$78,882
13	Additional Gross Pay	\$920	\$0	\$0	0	\$0
14	Fringe Benefits - Current Personnel	\$305,506	\$359,336	\$342,773	0	\$342,773
15	Overtime Pay	\$1,203	\$0		0	
20	Supplies and Materials	\$18,361	\$9,000	\$7,345	0	\$7,345
40	Other Services and Charges	\$81,712	\$31,200	\$129,331	0	\$129,331
41	Contractual Services - Other	\$16,661	\$0	\$0	0	\$0
70	Supplies	\$15,410	\$0	\$0	0	\$0
	<b>Total</b>	<b>\$2,039,145</b>	<b>\$2,243,467</b>	<b>\$2,402,694</b>	<b>0</b>	<b>\$2,402,694</b>

### Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for OLRCB is \$2,402,694, an increase of \$159,227, or 7.1 percent, over the current fiscal year's budget of \$2,243,467. This budget would support 17 FTEs, an increase of 0 FTEs over the current fiscal year of 17 FTEs. One hundred percent of the OLRCB budget is in local funds.

### Committee Analysis and Recommendations

#### a. Budget Recommendations

The Committee recommends approval of the Mayor's proposed FY 2021 budget for OLRCB.

## **b. Policy Recommendations**

The Committee provides the following recommendations in relation to agency performance over the last year.

### ***1. Analyze and incorporate into standard operating procedures the new agency rules adopted by the Public Employee Relations Board***

OLRCB frequently appears before the Public Employee Relations Board (“PERB”) in representation matters, unit determinations, unfair labor practices, negotiability appeals, arbitration appeals, and impasse proceedings. (“PERB”) has published a comprehensive update of its agency rules, affecting the filing and litigation procedures of cases and other processes. OLRCB should analyze new regulations published by PERB and prepare to represent management under the new rules. The rules were officially adopted into a new Chapter 5 (Rules of the Public Employee Relations Board) of Title 6, Subtitle B (government personnel) of the District of Columbia Municipal on May 1, 2020.

PERB’s comprehensive review of its agency rules included substantive changes to provisions relating to the dismissal of cases, unfair labor practices, decertification petitions, investigations by the board, and how much time litigants are permitted to file or amend certain documents. Knowledge of and effective implementation of the rules is essential to successful advocacy before the PERB, and competent representation in appeals from its orders in District Courts. OLRCB should implement any changes in its operating procedures, case management systems, and any other litigation processes.

### ***2. Meet the agency’s goal to avoid paying opposing counsel’s legal fees***

In FY2019, OLRCB was ordered to pay a cumulative total of \$209,759 in legal fees for opposing counsel in five cases. For FY19, the agency indicated in its *Responses to Fiscal Year 2019-2020 Performance Oversight Questions*, that its top priority was the continuous reduction of litigation costs.”<sup>103</sup> The Committee commends this goal and encourages OLRCB to obtain information on and implement best practices to more accurately predict when to mediate, settle, or litigate a case to avoid these substantial litigation costs.

The Committee understands, as indicated in the submitted FY2019-2020 Performance Accountability Report (PAR), that OLRCB may be unable to “sustain management’s actions” in some cases.<sup>104</sup> In other cases, the District is particularly vulnerable to court ordered awards of opposing counsel’s legal fees because District

---

<sup>103</sup> Office of Labor Relations and Collective Bargaining, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” Submitted to Committee on Labor and Workforce Development, Feb. 21, 2019, p. 2, available at <https://dccouncil.us/wp-content/uploads/2020/01/FINAL-OLRCB-POH-Responses.pdf>.

<sup>104</sup> Office of Labor Relations and Collective Bargaining, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” Submitted to Committee on Labor and Workforce Development, Feb. 21, 2019, p. 11, available at <https://dccouncil.us/wp-content/uploads/2020/01/FINAL-OLRCB-POH-Responses.pdf>.

agencies are subject to the Back Pay Act, a federal law only applicable to federal and District agencies, and which authorizes the payment of the attorney fees of the prevailing party by the defeated party.<sup>105</sup>

The Committee appreciates the seriousness with which the agency is considering the issue, as indicated by the agency’s prioritization of the goal to avoid paying opposing counsel’s legal fees. The OLRCB director should seek information and guidance pertinent to OLRCB developing a more accurate initial determination of when to mediate, settle, or litigate a case. OLRCB should decline to litigate cases initiated by unsustainable agency actions when it is likely that the outcome will be an award of legal fees for opposing counsel. Instead, OLRCB should seek to settle those cases at first opportunity. If additional internal training or costs to the agency are involved in developing this capability, OLRCB is encouraged to prioritize those trainings or costs and advise the Office of the City Administrator and the Committee. OLRCB should also provide additional training and guidance for the agencies involved in the lawsuits.

### ***3. Expand training at DCPS and MPD for labor liaisons and agency management***

The District of Columbia Public Schools (“DCPS”) and Metropolitan Police Department (“MPD”) are, and have been for years, the defending parties in the majority of disputes brought against the District in the Office of Employee Appeals (“OEA”). The Metropolitan Police Department is also a recurring party in disputes brought before PERB. This indicates a consistent lack of understanding by one or both of the parties concerning the District’s labor laws and agreements, and how these laws and agreements form legally cognizable rights and obligations applicable to both labor and management.

OLRCB is empowered to train both labor liaisons and agency managers concerning their rights and obligations under the Comprehensive Merit Personnel Act (“CMPA”) and applicable labor laws, policies, and procedures. OLRCB should target these agencies for additional training to reduce the number of labor disputes that are escalated for external review by the OEA. OLRCB should use the existing training curriculum<sup>106</sup> developed in FY2019 for management officials and labor law practitioners to conduct the training at these agencies as much as possible and appropriate. The use of this curriculum, which was developed by OLRCB through the execution of a case study based upon litigation case data, is recommended because it would require no additional costs and would isolate actions most likely to cause referrals to judicial authorities and additional financial costs to the District.

---

<sup>105</sup> 5 U.S.C. § 5596

<sup>106</sup> Office of Labor Relations and Collective Bargaining, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” Submitted to Committee on Labor and Workforce Development, Feb. 21, 2019, p. 2, available at <https://dccouncil.us/wp-content/uploads/2020/01/FINAL-OLRCB-POH-Responses.pdf>.

**4. *Make available every active Collective Bargaining Agreement (“CBA”) between the District and bargaining units on the OLRCB website.***

OLRCB is the primary administrator of the District’s labor management program and is integral to the resolution of any issue regarding the terms of collective bargaining agreements. Because OLRCB is likely the only government agency with access to all collective bargaining agreements, OLRCB should publish on its website all active collective bargaining agreements to promote transparency and more efficiently allocate personnel resources.

Currently, OLRCB posts some collective bargaining agreements on its website, although they are accessible only through the search function, not on a specific webpage.<sup>107</sup> Furthermore, the available agreements are not in any particular order, many active agreements are missing, and it is impossible to determine any rationale related to which agreements are made available. However, OLRCB does timely provide requested collective bargaining agreements by accepting requests over the phone and by email and fulfilling them through administrative staff members.

OLRCB should publish all active agreements, accompanied by a master list detailing the date the agreement was entered into or other organizing metric. By doing so, the District’s goal of a transparent and open government will be advanced, and staff resources currently obligated to fulfill requests for collective bargaining agreements may be reallocated to areas of higher priority.

**3. FY 2021-2026 CAPITAL BUDGET**

OLRCB has no proposed capital budget for FY 2021-2026.

**4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2021 Operating Budget Recommendations**

The Committee recommends approval of the Mayor’s proposed FY 2021 budget for OLRCB.

**b. 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 (“CBA”) between the District and bargaining units on the OLRCB website.

---

<sup>107</sup> <https://oca.dc.gov/page/office-labor-relations-and-collective-bargaining>

## G. PUBLIC EMPLOYEE RELATIONS BOARD (CG0)

### 1. AGENCY MISSION AND OVERVIEW

The Public Employee Relations Board (PERB) is an independent, quasi-judicial agency that decides disputes and facilitates negotiations between District agencies and public employee unions. The Board's responsibilities include resolving unfair labor complaints and standard of conduct complaints, certifying labor organizations for collective bargaining, facilitating impasse procedures for bargaining issues, and considering appeals of grievance arbitration awards.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$1,159,942	\$1,321,488	\$1,295,666	0	\$1,295,666
<b>Gross Funds</b>	<b>\$1,159,942</b>	<b>\$1,321,488</b>	<b>\$1,295,666</b>	<b>0</b>	<b>\$1,295,666</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	10.00	9.00	8.00	0	8.00
<b>Gross Funds</b>	<b>10.00</b>	<b>9.00</b>	<b>8.00</b>	<b>0</b>	<b>8.00</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Agency Management	\$225,942	\$271,628	\$243,270	0	\$243,270
2000	Adjudication	\$934,001	\$1,049,860	\$1,052,396	0	\$1,052,396
	<b>Total</b>	<b>\$1,159,942</b>	<b>\$1,321,488</b>	<b>\$1,295,666</b>	<b>0</b>	<b>\$1,295,666</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<b>Comp Source Group</b>		<b>FY 2019 Actual</b>	<b>FY 2020 Approved</b>	<b>FY 2021 Proposed</b>	<b>Sum of Committee Variance</b>	<b>Committee Approved</b>
11	Regular Pay - Continuing Full Time	\$749,057	\$839,967	\$823,799	\$0	\$823,799
12	Regular Pay - Other	\$12,100	\$0		\$0	
13	Additional Gross Pay	\$6,673	\$0		\$0	
14	Fringe Benefits - Current Personnel	\$139,795	\$168,834	\$163,879	\$0	\$163,879
20	Supplies and Materials	\$9,909	\$10,000	\$9,800	\$0	\$9,800
31	Telecommunications	\$27,383	\$30,146	\$30,297	\$0	\$30,297
40	Other Services and Charges	\$73,191	\$136,674	\$132,025	\$0	\$132,025
41	Contractual Services - Other	\$132,071	\$125,867	\$125,866	\$0	\$125,866
70	Equipment and Equipment Rental	\$9,763	\$10,000	\$10,000	\$0	\$10,000
	<b>Total</b>	<b>\$1,159,942</b>	<b>\$1,321,488</b>	<b>\$1,295,666</b>	<b>\$0</b>	<b>\$1,295,666</b>

### **Summary of Proposed Operating Budget**

The Mayor's FY 2021 budget proposal for PERB is \$1,295,666, a decrease of \$25,822, or 2.0 percent, from the current fiscal year's budget of \$1,321,488. This budget would support 8 FTEs, a decrease of 1 FTEs under the current fiscal year of 9 FTEs. One hundred percent of the PERB budget is in local funds.

### **Committee Analysis and Recommendations**

#### **a. Budget recommendations**

The Committee recommends approval of the Mayor's proposed FY 2021 budget for PERB.

The Committee also recommends reducing the agency's FY2020 budget by \$54,100 due to spending less than budgeted.

## **b. Policy Recommendations**

The Committee provides the following recommendations in relation to agency performance over the last year.

### ***1. Draft and publish on the agency website an accessible guide to the rule changes adopted in FY2020***

PERB drafted and published new rules that were officially adopted into a new Chapter 5 (Rules of the Public Employee Relations Board) of Title 6, Subtitle B (government personnel) of the District of Columbia Municipal on May 1, 2020. The agency rules included substantive changes to provisions relating to the dismissal of cases, unfair labor practices, decertification petitions, investigations by the board, and how much time litigants are permitted to file or amend certain documents.

PERB has already published a guide providing technical information about the rule changes on its website that includes answers to questions from the public about the rule changes and the full text of both the old and new rules. The guide assumes some knowledge and experience which may not be present in all prospective filers. PERB should draft a similar concise and easy-to-read guide for litigants, with specific consideration applied to readability for self-represented litigants.

### ***2. Create and implement a plan to conduct hearings in a public health emergency***

The timely administration of hearings and mediations are at the heart of PERB's mission. Timely adjudications and mediations save the financial resources of the agency and the parties, and support the provision of due process to litigants. Timely adjudications also reduce the possibility that a backlog of cases will be developed.

Because of the COVID-19 public health emergency and subsequent emergency declaration by the Mayor, all employees at PERB are working remotely, and all hearings and mediations are postponed indefinitely.<sup>108</sup> PERB is still accepting filings by electronic mail and postal service, which means that a backlog of cases is growing, and will continue to grow for the duration of the public health emergency.

PERB should immediately draft and implement plans to conduct contact-less hearings in case the public emergency is extended for months or recurs in the future. These plans should consider whether these hearings should be done completely through virtual means, or if in-person hearings can be held in a manner consistent with local and federal guidelines or as part of a gradual re-opening plan. The Committee recommends that PERB utilize the experience and materials compiled by other jurisdictions currently operating under both circumstances. For instance, New York courts implemented the use of virtual courts running statewide for essential and emergency matters as of April 6<sup>th</sup>, and is

---

<sup>108</sup> As of June 9, 2020, "All hearings and mediations scheduled during the COVID-19 emergency response period are postponed and will be rescheduled." <https://perb.dc.gov/release/perb-updates-operating-status-%E2%80%93-june-9-2020>

currently considering expanding virtual courts to other matters. PERB is encouraged to discuss any issues with transitioning to a virtual model with the Committee.

### ***3. Create and implement a plan to conduct all planned trainings virtually***

PERB successfully held eight two-hour trainings for management and union participants as part of its *Second Tuesday* programming and five agency specific trainings in FY2019. Due to the COVID-19 public health emergency, these trainings have been indefinitely postponed.

PERB should create and implement a plan to resume these trainings through virtual means. The Committee encourages PERB to consider transitioning to a virtual training model in conjunction with plans to make one of PERB’s FY2020 key projects, the in-house training center, virtually accessible as well. The reasons to consider both simultaneously is that the in-house training center is intended to accomplish the same goals as the Second Tuesday and agency specific trainings, which is to “further promote better understanding of labor relations and responsibilities to DC government managers and union representatives.”<sup>109</sup> Considering both processes simultaneously will foster resource and process efficiency, as the technological and strategic components of the plans will be similar or identical.

### **3. FY 2021-2026 CAPITAL BUDGET**

PERB has no proposed capital budget for FY 2021-2026.

### **4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

1. Approve the Mayor’s proposed FY 2021 budget for PERB.
2. Reduce the agency’s FY2020 budget by \$54,100.

#### **b. 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

---

<sup>109</sup> Public Employee Review Board “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” Submitted to Committee on Labor and Workforce Development, Feb. 21, 2019, p. 2, available at <https://dccouncil.us/wp-content/uploads/2020/02/2-PERB-Responses-to-FY2019-FY2020-Performance-Oversight-Questions.pdf>.

## H. UNEMPLOYMENT COMPENSATION FUND (BH0)

### 1. AGENCY MISSION AND OVERVIEW

The Unemployment Compensation Fund (UC Fund) is to provide unemployment compensation benefits to former District government employees who have been separated from employment through no fault of their own.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$4,955,146	\$5,480,390	\$5,480,390	0	\$5,480,390
<b>Gross Funds</b>	<b>\$4,955,146</b>	<b>\$5,480,390</b>	<b>\$5,480,390</b>	<b>\$0</b>	<b>\$5,480,390</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Unemployment Compensation Fund	\$4,955,146	\$5,480,390	\$5,480,390	0	\$5,480,390
	<b>Total</b>	<b>\$4,955,146</b>	<b>\$5,480,390</b>	<b>\$5,480,390</b>	<b>\$0</b>	<b>\$5,480,390</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<i>Comp Source Group</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
50	Subsidies	\$4,955,146	\$5,480,390	\$5,480,390	0	\$5,480,390
	<b>Total</b>	<b>\$4,955,146</b>	<b>\$5,480,390</b>	<b>\$5,480,390</b>	<b>\$0</b>	<b>\$5,480,390</b>

### Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for the UC Fund is \$5,480,390, an increase of \$0, or 0 percent, over the current fiscal year's budget. This budget supports 0 FTEs. One hundred percent of the UC Fund budget is in local funds.

## **Committee Analysis and Recommendations**

### **a. Budget recommendations**

The Committee recommends approving the UC Fund's FY 2021 budget as proposed.

### **3. FY 2021-2026 CAPITAL BUDGET**

The UC Fund has no capital budget for FY 2021-2026.

### **4. COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

1. The Committee recommends approving the UC Fund's FY 2021 budget as proposed.

## I. UNEMPLOYMENT INSURANCE TRUST FUND (UI0)

The Unemployment Insurance Trust Fund, administered by the Department of Employment Services (DOES), represents the proceeds from unemployment taxes paid by private sector employers and reimbursements from the District and federal governments deposited in the Unemployment Trust Fund (the “UI Fund”). The Fund is used to pay benefits for private and non-District government<sup>110</sup> public sector employees during periods of unemployment. Payments include transfers to other governments to reimburse unemployment benefits paid to District residents.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Enterprise and Other	\$119,728,692	\$185,382,095	\$464,778,369	\$0	\$464,778,369
Federal Payments	\$0	\$0	\$215,292,455	\$0	\$215,292,455
<b>Gross Funds</b>	<b>\$119,728,692</b>	<b>\$185,382,095</b>	<b>\$680,070,824</b>	<b>\$0</b>	<b>\$680,070,824</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Enterprise and Other	0	0	0	0	0
Federal Payments	0	0	0	0	0
<b>Gross Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
2200	Benefits Trust Fund	\$119,728,692	\$185,382,095	\$680,070,824	0	\$680,070,824
	<b>Total</b>	<b>\$119,728,692</b>	<b>\$185,382,095</b>	<b>\$680,070,824</b>	<b>0</b>	<b>\$680,070,824</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<i>Comp Source Group</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
50	Subsidies and Transfers	\$119,728,692	\$185,382,095	\$680,070,824	0	\$680,070,824
	<b>Total</b>	<b>\$119,728,692</b>	<b>\$185,382,095</b>	<b>\$680,070,824</b>	<b>0</b>	<b>\$680,070,824</b>

<sup>110</sup> District government employees unemployment compensation funds are housed in BH0 the Unemployment Compensation Fund; See Chapter II.H.

## Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for the UI Fund is \$680,070,824, an increase of \$494,688,729, or 266.8 percent, over the current fiscal year's budget of \$185,382,095. This budget would support 0 FTEs, an increase of 0 FTEs over the current fiscal year of 0 FTEs.

**Enterprise Funds:** The Mayor's proposed enterprise funds budget is \$464,778,369, a 150.7 percent increase from the approved budget for the current fiscal year of \$185,382,095. The proposed budget would support 0 FTEs, a decrease of 0 FTEs from the current fiscal year's 0 approved FTEs.

**Federal Payments.** The Mayor's proposed federal payments funds budget is \$215,292,455. No federal payments were budgeted in FY2020. The proposed budget includes federal payments made due to the COVID-019 coronavirus special programs authorized by Congress in 2020. They include Federal Pandemic Unemployment Compensation (FPUC), Pandemic Emergency Unemployment Compensation (PEUC), and Pandemic Unemployment Assistance (PUA).

## Budget Recommendations

The Committee recommends approving the UI Trust Fund's FY 2021 budget as proposed.

### 3. FY 2021-2026 CAPITAL BUDGET

The UI Fund has no proposed capital budget for FY 2021-2026.

### 4. SUMMARY OF COMMITTEE RECOMMENDATIONS

#### a. Fiscal Year 2021 Operating Budget Recommendations

1. The Committee recommends approving the UI Trust Fund's FY 2021 budget as proposed.

## J. UNIVERSAL PAID LEAVE FUND (ULO)

### 1. AGENCY MISSION AND OVERVIEW

The mission of the Universal Paid Leave agency (UPL) is to provide paid-leave benefits under the Universal Paid Leave Act (UPLA) to private employees in the District for up to eight weeks of parental leave, six weeks of family leave, and two weeks of medical leave for every fifty-two weeks worked, thereby contributing to and increasing the quality of life in the Washington, DC, metropolitan area. This is a new agency created in the FY2021 budget.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

**Fiscal Year 2021 Operating Budget, By Revenue Type**

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Enterprise and Other Funds	0	0	\$271,370,337	0	\$271,370,337
<b>Gross Funds</b>	<b>0</b>	<b>0</b>	<b>\$271,370,337</b>	<b>0</b>	<b>\$271,370,337</b>

**Fiscal Year 2021 Full-Time Equivalents, By Revenue Type**

<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Enterprise	0	0	0	0	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Fiscal Year 2021 Operating Budget, By Program (Gross Funds)**

<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Universal Paid Leave	0	0	\$271,370,337	0	\$271,370,337
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>\$271,370,337</b>	<b>0</b>	<b>\$271,370,337</b>

**Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)**

<i>Comp Source Group</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
50	Subsidies	0	0	\$271,370,337	0	\$271,370,337
	<b>Total</b>	<b>0</b>	<b>0</b>	<b>\$271,370,337</b>	<b>0</b>	<b>\$271,370,337</b>

## Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for the UPL Fund is \$271,370,337. The agency is newly created in FY2021. This budget supports 0 FTEs. One hundred percent of the Universal Paid Leave Fund's budget is in enterprise funds.

### Committee Analysis and Recommendations

#### a. Budget Recommendations

*1. The Committee recommends approving the Universal Paid Leave Fund's FY 2021 budget as proposed.*

*2. Provide funds from unbudgeted revenues to the Office of Human Rights for paid leave enforcement.*

The Committee recommends providing \$1,853,227 (\$1,148,227 in PS and \$705,000 in NPS) for FY2021 to stand up the Office's enforcement of the universal paid leave benefits program. The program will begin to accept applications for benefits on July 1, 2020. The law prohibits retaliation against any person seeking to exercise his or rights under UPLA. This provision will be enforced by OHR, as determined by the Executive and stated in the governing regulations.<sup>111</sup> Unfortunately, OHR's budget was not increased to account for these new responsibilities. Therefore, the Committee, along with the Committee on Government Operations, recommend providing funds to enable OHR to hire staff and enforce the law (see Chapter III).

This funding is available from the Universal Paid Leave Fund's revenues. Under a companion BSA subtitle, the Universal Paid Leave Fund Amendment Act of 2020 (see Chapter IV.B.8), there will be created a special Universal Paid Leave Enforcement fund, which will be funded with up to 1 percent of the revenues deposited into the main Universal Paid Leave Fund (into which employer contributions are deposited). The enforcement fund may be utilized by OHR for enforcement of § 32-541.10(a) and (b), which may include outreach and education related to individuals' rights under UPLA. Because this revenue is unbudgeted, it does not require a reduction to the proposed FY2021 budget of UL0.

*3. In FY2021, provide funds from unbudgeted revenues in UL0 for implementation of the Workplace Leave navigators Program BSA subtitle*

Provide funds in the amount of \$750,000 in NPS to DOES Program 6200 to fund the Workplace Leave Navigators Establishment Act of 2020 (BSA subtitle; see Chapter IV.B.3.).

---

<sup>111</sup> 7 DCMR §3516.1.

**3. FY 2021-2026 CAPITAL BUDGET**

Universal Paid Leave Fund has no capital budget for FY 2021-2026.

**4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

**a. Fiscal Year 2021 Operating Budget Recommendations**

1. The Committee recommends approving the Universal Paid Leave Fund's FY 2021 budget as proposed.

2. In FY2021, provide funds from unbudgeted revenues in UL0 to the Office of Human Rights for paid leave enforcement in the amount of \$1,853,227 (\$1,148,227 in PS and \$705,000 in NPS). This will be a transfer to the Committee on Government Operations (see Chapter III).

3. In FY2021, provide funds from unbudgeted revenues in UL0 to DOES Activity 6200 for implementation of the Workplace Leave navigators Program BSA subtitle in the amount of \$750,000 in NPS. (See Chapter IV.B.3.)

## K. WORKFORCE INVESTMENTS (UP0)

### 1. AGENCY MISSION AND OVERVIEW

The mission of Workforce Investments is to fund compensation increases for nonunion and union District employees and any costs of reform initiatives.

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$0	\$89,068,228	0	0	0
<b>Gross Funds</b>	<b>\$0</b>	<b>\$89,068,228</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$0	\$89,068,228	0	0	0
<b>Gross Funds</b>	<b>\$0</b>	<b>\$89,068,228</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Fiscal Year 2021 Operating Budget, By Program (Gross Funds)</b>						
<i>Program</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
1000	Workforce Investments	\$0	\$89,068,228	0	0	0
	<b>Total</b>	<b>\$0</b>	<b>\$89,068,228</b>	<b>0</b>	<b>0</b>	<b>0</b>

<b>Fiscal Year 2021 Operating Budget, By Comptroller Source Group (Gross Funds)</b>						
<i>Comp Source Group</i>		<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
11	Regular Pay	\$0	\$89,068,228	0	0	0
	<b>Total</b>	<b>\$0</b>	<b>\$89,068,228</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Summary of Proposed Operating Budget

The Mayor's FY 2021 budget proposal for the Workforce Investments Fund is \$0, a decrease of 100 percent, from the current fiscal year's budget. This budget supports 0 FTEs. One hundred percent of the Workforce Investments budget is in local funds.

## **Committee Analysis and Recommendations**

### **a. Budget Recommendations**

The Committee recommends approval of the Workforce Investments Fund FY2021 budget as proposed by the Mayor.

The Committee also recommends changes to the Local Budget Act and recommends a Budget Support Act subtitle to require that excess revenues raised in the future above the April 2020 estimate, which forms the basis of the FY2021 formulated budget, be deposited into the Workforce Investments Fund. The Committee recommends up to \$50,000,000 be deposited. Under the proposed subtitle, the funds must first be used to satisfy the cost-of-living adjustments required under two executed collective bargaining agreements. After the CBAs' terms are met, excess funds may be used for salary adjustments for other employees if revenues permit, at the Mayors discretion. See Chapter IV.A.1 for more information about the subtitle.

### **3. FY 2021-2026 CAPITAL BUDGET**

Workforce Investments has no capital budget for FY 2021-2026.

### **4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

The Committee recommends approval of the Workforce Investments Fund FY2021 budget as proposed by the Mayor.

## L. WORKFORCE INVESTMENT COUNCIL (PART OF GW0, DEPUTY MAYOR FOR EDUCATION)

### 1. AGENCY MISSION AND OVERVIEW

The Workforce Investment Council (WIC) provides strategic guidance, coordination, and oversight of the District’s workforce development system, including the federal Workforce Innovation and Opportunity Act (WIOA). The WIC’s budget is housed within the budget of the Deputy Mayor for Education. The WIC is led by a Board, for which membership requirements are laid out in WIOA and District law. Board members are appointed by the Mayor. The Board serves as both the State Workforce Development Board and Local Workforce Development Board, as defined by WIOA, which involve oversight, accountability, and operational responsibilities, such as development of strategies and policies, dissemination of information, review and evaluation of programs, operational input, technical assistance, and recommendations on the District’s workforce development system.<sup>112</sup>

### 2. FISCAL YEAR 2021 OPERATING BUDGET

<b>Fiscal Year 2021 Operating Budget, By Revenue Type</b> <i>(Program 3000 of GW0 Deputy Mayor for Education in FY20 and FY21; Program 3000 of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)</i>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	\$3,091,213	\$4,459,710	\$2,894,923	\$789,625	\$3,684,548
Intra-District	\$1,045,091	\$486,507	\$1,401,831		\$1,401,831
<b>Gross Funds</b>	<b>\$4,136,304</b>	<b>\$4,946,217</b>	<b>\$4,296,754</b>	<b>\$789,625</b>	<b>\$5,086,379</b>

<b>Fiscal Year 2021 Full-Time Equivalents, By Revenue Type</b> <i>(Program 3000 of GW0 Deputy Mayor for Education in FY20 and 21; Program 3000 of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)</i>					
<i>Fund Type</i>	<i>FY 2019 Actual</i>	<i>FY 2020 Approved</i>	<i>FY 2021 Proposed</i>	<i>Sum of Committee Variance</i>	<i>Committee Approved</i>
Local	4.21	6.31	9.61	1.0	10.61
Operating Intra-District Funds	4.61	3.69	3.39	0	3.39
<b>Total</b>	<b>8.82</b>	<b>10.00</b>	<b>13.00</b>	<b>1.0</b>	<b>14.00</b>

<sup>112</sup> Workforce Innovation and Opportunity Act, Title 32 USC Section 3111 defines state boards, Title 32 USC 3122 defines local boards. The WIC is established and assigned responsibility to carry out functions of both state and local boards under WIOA in D.C. Office Code § 32–1603(a).

**Fiscal Year 2021 Operating Budget, By Program (Gross Funds)**  
*(Program 3000 of GW0 Deputy Mayor for Education in FY20 and 21; Program 3000 of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)*

Program		FY 2019 Actual	FY 2020 Approved	FY 2021 Proposed	Sum of Committee Variance	Committee Approved
EM0 3000	Workforce Investment	\$4,136,304				
GW0 3000	Workforce Investment		\$4,946,217	\$4,296,754	\$789,625	\$5,086,379
<b>Total</b>		<b>\$4,136,304</b>	<b>\$4,946,217</b>	<b>\$4,296,754</b>	<b>\$789,625</b>	<b>\$5,086,379</b>

**Fiscal Year 2021 Operating Budget, by Comptroller Source Group (Gross Funds)**  
*(Program 3000 of GW0 Deputy Mayor for Education in FY20 and 21; Program 3000 of EM0 Deputy Mayor for Greater Economic Opportunity in FY17-19)*

Comp Source Group		FY 2019 Actual	FY 2020 Approved	FY 2021 Proposed	Sum of Committee Variance	Committee Approved
11	Regular Pay - Continuing Full Time	\$567,460	\$733,305	\$1,259,924	\$108,170	\$1,368,094
12	Regular Pay - Other	\$136,064	\$177,715	\$0		\$0
13	Additional Gross Pay	\$21,480	\$0	\$0		
14	Fringe Benefits - Current Personnel	\$148,716	\$188,412	\$254,505	\$21,830	\$276,335
15	Overtime Pay	\$462	\$0			
20	Supplies and Materials	\$0	\$10,500	\$14,625		\$14,625
40	Other Services and Charges	\$21,658	\$165,000	\$65,206	\$100,000	\$165,206
41	Contractual Services - Other	\$86,888	\$711,285	\$1,048,370		\$1,048,370
50	Subsidies and Transfers	\$3,143,852	\$2,950,000	\$1,650,000	\$559,625	\$2,209,625
70	Equipment & Equipment Rental	\$9,725	\$10,000	\$4,125		\$4,125
<b>Total</b>		<b>\$4,136,304</b>	<b>\$4,946,217</b>	<b>\$4,296,754</b>	<b>\$789,625</b>	<b>\$5,086,379</b>

**Summary of Proposed Operating Budget**

The Mayor's FY 2021 budget proposal for the WIC is \$4,296,754, a decrease of 13 percent from the FY 2020 approved budget of \$4,946,217. (The FY 2020 revised budget is \$6,636,790 as of mid-March.) The proposed budget would support a staff of 13 FTEs, an increase 3 FTEs from the current fiscal year's 10.0 FTEs.

**Local Funds:** The Mayor's FY 2021 local funds budget proposal for the WIC is \$2,894,923, a decrease 35.1 percent from the FY 2020 approved budget of \$4,459,710. The proposed budget would support 9.61 FTEs, an increase of 3.3 FTEs from the current fiscal year of 6.31 FTEs.

***Intra-District Funds:*** The Mayor’s FY 2021 intra-district funds budget proposal is \$1,401,831, an increase of 188 percent, from the current fiscal year’s approved budget of \$486,507. (The FY2020 revised budget is \$2,177,080 as of mid-March.) The proposed intra-district funds budget would support 3.39 FTEs, a decrease of 0.3 FTEs from the current fiscal year’s 3.69 FTEs.

**Committee Analysis and Recommendations**

**a. Budget Analysis and Recommendations**

***1. Fund the “Healthcare Workforce Partnership Establishment Act,” a Budget Support Act Subtitle***

The Workforce Investment Council (WIC) should fund a healthcare industry sector partnership. Industry sector partnerships are a key component of the federal Workforce Innovation and Opportunity Act (WIOA) and improve the talent supply chain. As the District plans to fund the construction of two new hospitals, the District should take advantage to provide training and opportunity for residents to find employment in the healthcare sector.

The Committee recommends legislation to establish and operate a partnership. The partnership would provide guidance to the District, particularly to the WIC, on the best occupations for which to invest in training, and other ways to increase the number of District residents employed in the healthcare sector, with a focus on the new hospitals, and to meet the staffing needs of healthcare employers. The subtitle has three components: first, the WIC would hire an organization with connections in the healthcare field to serve as an “intermediary” between employers and training providers. Second, the intermediary would facilitate a partnership made up of employers, trainers, and other relevant parties, including the WIC. Finally, the WIC would fund healthcare occupational training, in alignment with recommendations made by the Partnership. See Chapter IV.B.1 for further information on this subtitle.

This subtitle has a fiscal impact of \$530,000 in FY2020 and \$689,625 in FY2022 and future years. The Committee has identified full funding for the subtitle beginning in FY2021, which provides the WIC with an excess of \$159,000 in FY2021.

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Project Manager Position (incl. fringe)	\$130,000	\$130,000	\$130,000	\$130,000
Grant to Intermediary	\$250,000	\$254,375	\$258,827	\$263,356
2 Grants for Training Programs (starts July 2021)	\$150,000	\$305,250	\$310,592	\$316,027
<b>TOTAL</b>	<b>\$530,000</b>	<b>\$689,625</b>	<b>\$699,418</b>	<b>\$709,383</b>

## 2. Enhance funds for Career Pathways Innovation Fund

The Career Pathways Innovation Fund (CPIF) was established by law in 2015 and has been in effect since 2016. In FY2021, the WIC's budget contains adequate funding for this program, a welcome change after two years in which the Mayor's proposed budget did not include funding for this program. Despite this, the committee was able to secure funding in FY2019 and FY2020 for the program. Given how successful and important this program has been to adult learners and jobseekers, the Committee is pleased to see funding continued by the Mayor, and the Committee recommends enhancing funding by \$100,000.

The CPIF has operated in combination with the WIOA Title II Adult Education program, which is administered by the Office of the State Superintendent of Education (OSSE). OSSE has braided funding from its federal sources with the \$1.1 million of CPIF funds provided by the WIC. This funding represents 25 percent of OSSE's adult and family education grants budget. OSSE has issued grants to ten organizations to provide services using an "integrated education and training" (IET) model, which is considered a best practice and used across the nation.<sup>113</sup> With this model, individuals receive education in literacy and numeracy simultaneously with, and in the context of, occupational skills training. Ninety percent of participants in the program are individuals with low educational functioning levels who would otherwise not qualify for most traditional job training programs. Further, this population represents the majority of individuals seeking services at American Job Centers or other DOES programs and who also took assessment tests (the CASAS test).<sup>114</sup>

Results from the first two program years (PY17 and PY18) are very promising, with a marked increase in the "measurable skills gain" metric for WIOA Title II and hundreds of students earning certifications. In FY18, 43 percent of students made a measurable skills gain (i.e., educational gains via pre-and post-test), and in FY2019, 50 percent of students had a skills gain, exceeding its 43 percent target.<sup>115</sup>

In FY 2020, the committee identified \$1,650,000 in recurring funds, including \$500,000 transferred in from the Committee on Facilities and Procurement, for the WIC's budget for the Career Pathways Innovation Fund. This funding level has been continued in the FY2021 proposed budget. The Committee recommends that the vast amount of the funds be included in the MOU between the WIC and OSSE to be used for grants to providers. The Committee additionally provides a \$100,000 enhancement. While the Committee hopes that this funding will be used to increase the number of participants who

---

<sup>113</sup> For example, see Beth Hawkins, "Adult Education Comes of Age," *Education Next*, Vol. 19, No. 2, Spring 2019, available at <https://www.educationnext.org/adult-education-comes-of-age-new-approach-blends-basic-academics-job-training/>.

<sup>114</sup> See discussion Chapter II.C.2.

<sup>115</sup> Workforce Investment Council, "Responses to Fiscal Year 2018-2019 Performance Oversight Questions," Feb. 19, 2019, response to Question 62, p. 34, available at [http://dccouncil.us/wp-content/uploads/2019/02/2019-PO\\_WIC\\_responses-02-19-19.pdf](http://dccouncil.us/wp-content/uploads/2019/02/2019-PO_WIC_responses-02-19-19.pdf); and Office of the State Superintendent of Education, "Responses to Fiscal Year 2019 Performance Oversight Questions," February 14, 2020, p. 171-72, available at <https://dccouncil.us/wp-content/uploads/2020/02/osse.pdf>.

are able to take advantage of this program, given the increased utilization of virtual training, there may be a need to provide computers or wifi access to participants.

**3. The proposed WIOA funding provided to the WIC is insufficient**

The mayor’s FY 2021 proposed budget for the WIC should contain less local funding and more Intra-District funds (which are WIOA funds transferred from DOES and thus appear in the budget as Intra-District funds). In order to be a fully functional workforce board, especially one that must fulfill both state and local board functions under WIOA, the WIC should have more staff and funds overall. Also important is that the District should be utilizing significantly more of the federal funding available under WIOA to support the WIC’s activities.

Each year, the WIC enters into a Memorandum of Understanding with DOES, the fiscal agent for federal WIOA Title I funds, to provide a portion of the WIOA funds to the WIC for its work in support of WIOA activities and workforce development more broadly.

The committee is concerned that the WIC is not receiving an adequate portion of WIOA funds provided to the District; it expressed this concern in its FY 2019 and FY2020 budget reports, as well. The following table outlines the WIOA Title I funds in total and in the state-level funding stream (for at least several years the WIC has received portions only of state funding, not also of the local funding stream which is considerably more money). Unfortunately, the Committee has incomplete information, as different data was provided in the 2019 performance oversight responses and the 2020 oversight responses. Notably, the information does not include the state-level funds for 2020.

**WIC Portions of WIOA Funds, FY16-FY20**

	<i><b>FY16 (PY15)</b></i>	<i><b>FY17 (PY16)</b></i>	<i><b>FY18 (PY17)</b></i>	<i><b>FY19 (PY18)</b></i>	<i><b>FY20 (PY19)</b></i>
<b>Total WIOA Title I funds</b>			\$10,716,085	\$12,849,334	\$16,683,515
<b>Total state-level WIOA Title I funds</b>	\$1,462,853	\$2,727,962	\$2,964,468	\$3,267,492	
<b>WIC's amount of state WIOA funds</b>	\$543,545	\$797,822	\$1,057,457	\$1,057,457	\$1,447,079
<b>WIC's portion of state funds</b>	37%	29% <sup>116</sup>	36%	32%	9% (of total funds)

<sup>116</sup> Note that the FY2017 MOU between DOES and the WIC stated that DOES agreed to transfer \$797,000, which “equates to 60 percent of the State set-aside for federal program year 2016,” however, as the table shows, the amount actually equated to 29 percent.

Sources: Workforce Investment Council, “Responses to Fiscal Year 2018-2019 Performance Oversight Questions,” Feb. 19, 2019, Q. 57 Attachment, “WIOA Funding, FY16-19,” at p. 334, available at <http://dccouncil.us/wp-content/uploads/2019/02/wicatt.pdf>; Workforce Investment Council, “Responses to FY2019-2020 Performance Oversight Questions,” Jan.31, 2020, Q. 46 Attachment “WIOA Allocations,” at p. 647, available at <https://dccouncil.us/wp-content/uploads/2020/01/FY19-2020-Performance-Oversight-Attachments-Combined-with-Headers-1.pdf>.

The significant implication here is that there is far more money available than is provided to the WIC. Furthermore, according to Department of Labor fund tracking materials, the District is underspending its state-level funds and set-aside funds (in addition to other funding streams).<sup>117</sup> The Committee believes that the WIC should receive at least 60 percent of the state-level Title I funds. This would have nearly doubled the funding available to the WIC in recent years. Unfortunately, WIOA funds are provided to the Executive, and the Council cannot require their utilization. However, the Committee will continue to monitor and study this issue, and will share its results with the Executive to encourage improvement in the utilization of federal resources.

## **b. 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***

The WIC should work with District agencies to coordinate workforce development programming. It could do this in part by organizing around upcoming economic development and other large projects that will be launched in the next 24 months. The WIC should strive to form a true workforce *system*, in which services and programs are aligned to complement each other and at the very least, not duplicate each other.

The WIC should create workforce plans centered around upcoming economic development or other projects, such as the new hospitals at Howard University and the St. Elizabeths campus, new infrastructure projects, large IT contracts, and more. The WIC could coordinate among contractors, employers, government agencies, and training providers. It should identify the positions needed for both the construction build and operation of those projects and create a staffing plan to fill those vacancies with District residents. It should identify the sectors, occupations, and skills needed to fill those positions. Where District residents do not possess the requisite skills or are already employed, the WIC could organize new training programs, including incumbent workers to progress up a career ladder in their field.

The WIC should explore different models of workforce development to determine how to fit them together across agencies and which are the best choice for particular circumstances. The WIC should also determine which agencies already offer such models and which agencies should do so. For instance, the intermediary model may be the best

---

<sup>117</sup> U.S. Department of Labor Employment and Training Administration, “WIOA Spending and Obligation Rate Visualizations,” June 30, 2019 (latest available), available at <https://www.dol.gov/agencies/eta/budget/spending-updates/annual>.

approach to develop qualified candidates for the construction of publicly-funded projects, as a companion to the hiring requirements of the District’s First Source law. A sector partnership model may be the best approach to form the underlying framework of an industry-wide career pathway in one or all of the six high-demand industries. Ad hoc, cohort-based training may be the best approach for meeting the demands of a particular subindustry.

Finally, the WIC should ensure that grants and contracts to service providers such as job training organizations meet the needs of the employers, set standards for performance, and align with the WIOA state plan.

## ***2. Work with DOES to improve performance of the eligible training providers***

The WIC should work with DOES to improve outcomes in the federally-funded Workforce Innovation and Opportunity act (WIOA) programs, particularly those geared to adults. The WIC and DOES share responsibility for the WIOA Adult program. The District’s main use of WIOA Adult funds currently is to provide a voucher (called an Individual Training Account) to individuals who receive classroom-based job training from pre-screened providers. The WIC develops the list of these providers, called the Eligible Training Provider List (ETPL). To develop the list, the WIC screens potential providers based on several criteria, and it reviews performance of current providers to determine if they met requirements and can stay on the ETPL. DOES’s current role is to oversee the providers and report outcomes from the program to the U.S. Department of Labor.

The outcomes of the ETPL providers fell during Program Years 2018 and 2019, especially on the measure of credential attainment.<sup>118</sup> In PY18, the target was that 60% of participants would attain a credential. This target was met in the first two of quarters of PY18. However, the target was missed in the last 2 quarters of PY18. By quarter 1 of PY19 (the latest quarter for which the Committee has this data), the credential attainment results were just 29% in the Adult program and 46% in the Dislocated Worker program.

The WIC has held several meetings with providers to begin to work on improving outcomes. The Committee applauds this effort and would like to see the WIC continue this effort or even enhance it by bringing in outside expertise, until providers are regularly meeting—and even exceeding—the target outcomes. If the providers cannot meet targets, they should be removed from the ETPL, in accordance with the WIC’s policy.

## ***3. Publish the Expenditure Guide, and ensure it includes all required information***

The WIC is tasked with preparation of a report outlining information on all workforce development and adult education spending by the District. The Council and public have sought this information for years in order to understand how funds are spent, what services are offered, who is being served, and what the outcomes are of our public

---

<sup>118</sup> Workforce Investment Council, “FY2019-2020 Performance Oversight Questions,” Jan. 31, 2020, attachment 30, available at <https://dccouncil.us/wp-content/uploads/2020/01/FY19-2020-Performance-Oversight-Attachments-Combined-with-Headers-1.pdf>.

investments. The WIC must collect this information from the agencies offering such programs and compile it into an annual report. Unfortunately, the WIC has not been able to complete this task. It must redouble its efforts in 2020 and future years to ensure the report is developed completely, is accurate, has consistent data, and is published on time.

The Workforce Development System Expenditure Guide is required by L22-0095, the Workforce Development System Transparency Act. The first annual report was due on Feb. 1, 2019, covering seven agencies that are most central to the public workforce system.<sup>119</sup> It was delivered to the Council in September 2019.<sup>120</sup> While the Committee appreciates the amount of work that went into its preparation, it was missing such a large amount of information that it was largely not usable for analysis of individual programs nor of the system as a whole.<sup>121</sup> Many programs were not included (about 25 just in DOES). A significant portion of performance results data was not reported (the guide states “data not available” or “data not captured”) and many results were not reported for individual vendors, as required. Finally, many data fields had inconsistent data (such as absolute numbers for some programs and percentages for others). One of the biggest problems was that the report’s outcomes were supposed to be those already tracked by the agencies (D.C. Code § 32–1622(f)), so that the report did not require agencies to report on outcomes that were not being tracked. It had a two-year delay in reporting on common measures (the same measures used for all WIOA programs). However, the WIC asked agencies to provide WIOA outcomes for programs that had not yet tracked those measures while programs were in operation. As a result, the outcomes were reported as “not available.”

The Committee provided detailed feedback on the deficiencies in the report and shared them with WIC staff. The staff were very open to hearing this and made a number of improvements in the 2020 process. For instance, the WIC created a guidance document for agencies to help them complete their contributions of information to the report.

Still, the 2020 report, due Feb. 1, 2020, has not been delivered as of June 23, 2020. This year’s report is meant to build on the prior year’s report, as it is required to cover all District agencies offering workforce development or adult education programs. Regarding outcomes, in the 2020 report, the law requires reports on any outcomes tracked in accordance with law, policy, or practice. If data or time lags do not allow reporting for the prior year, then the report should include data from two years before (e.g. employment results).

The WIC must publish the 2020 Expenditure Guide extremely soon and ensure it includes all programs, has consistent data, and reports outcomes for each program,

---

<sup>119</sup> One of the agencies, the Deputy Mayor for Greater Economic Opportunity, no longer exists.

<sup>120</sup> WIC, “Workforce Development System Expenditure Guide,” Sept. 13, 2019, available at <https://dcworks.dc.gov/publication/workforce-development-system-expenditure-guide>.

<sup>121</sup> Stephen Berry, “Testimony of Stephen Berry, DC Appleseed Center for Law and Justice before the Council of the District of Columbia Committee on Labor and Workforce Development,” Public Oversight hearing of the Committee on Labor and Workforce Development: “A Review of the Department of Employment Services’ Workforce Development Programs: Project Empowerment and Career Connections,” November 21, 2019, Hearing record page 5, available at [https://lirms.dccouncil.us/downloads/LIMS/44214/Hearing\\_Record/HR23-0132-HearingRecord.pdf](https://lirms.dccouncil.us/downloads/LIMS/44214/Hearing_Record/HR23-0132-HearingRecord.pdf).

including at the vendor level. In 2021, the report must also report the common measures used by WIOA (in short, employment, retention, credential attainment, earnings, and skills gains). The WIC should have already started to ensure that all agencies have begun tracking this information now so that they can report the outcomes next year.

#### ***4. Improve operations at the American Jobs Centers***

A central element of any state's or jurisdiction's workforce development system is the American Job Centers (AJCs). The District has four such centers. They are operated by DOES, but under WIOA, the WIC has responsibilities as both a state and local workforce development board for ensuring the optimal functioning of AJCs and continually improving them. AJCs are dual-customer, serving both jobseekers to find employment and businesses to find qualified workers. It is critical that the WIC hire a new One-Stop Operator with a track record of success, and that the board build an evaluation and continual improvement process for AJC services and operations. Strategies to accomplish this follow.

##### **a. Hire a One-Stop Operator with a track record of success; set clear expectations**

A One-Stop Operator (OSO) is required under WIOA. In the District, because the AJC staff (who work for DOES) provide direct services, the OSO's role is largely to coordinate services, as well as to help the WIC meet its federal requirements to provide oversight of the AJCs by analyzing service delivery quality, collecting data on AJC and programmatic performance, making recommendations for continuous improvements, and reporting to the WIC board on these items.

The current OSO contract will expire in Fall 2020, and the WIC must procure a new operator. The WIC should develop a strong statement of work with clear responsibilities, regular reporting to the board, and a feedback mechanism to provide continual improvement. This oversight role is established by WIOA, and the WIC is the entity ultimately responsible for AJC performance. The new OSO should have a track record of success to ensure that the WIC can meet WIOA's requirements and that residents utilizing the AJCs receive high-quality services that meets their expectations.

The WIC, in concert with the Office of Contracting and Procurement (OCP) must release the solicitation extremely soon in order for them to analyze the bids and provide lead-time to a new contractor to prepare for their work and hit the ground running. The WIC must also ensure the board is involved at each stage, including developing the solicitation's statement of work, evaluating bids, and overseeing the eventual OSO's work by receiving regular reports of services and results at the AJCs.

## **b. Develop AJC evaluation criteria as required under WIOA**

A large part of the OSO's role is to help the WIC achieve one of WIOA's key requirements: to continually improve AJCs and the services they provide. Specifically, the WIC, as the State Workforce Development Board (WDB) recognized under WIOA, should set criteria by which to assess the AJCs, evaluate the AJCs, and use those evaluations to drive continual improvements. The WIC should undertake this process in the coming years. Related U.S. Department of Labor guidance follows:

The State WDB must establish objective criteria and procedures for the Local WDBs to use in evaluating the effectiveness, physical and programmatic accessibility, and continuous improvement of one-stop centers and the one-stop delivery network (20 CFR 678.800, 34 CFR 361.800, and 34 CFR 463.800). The State WDB must review and update the criteria and procedures every two years, in conjunction with review and modification of the State Plans. The Local WDBs must follow the State WDB's criteria and procedures (though Local WDBs are free to establish higher standards or additional criteria) to evaluate their one-stop centers and one-stop delivery network at least once every three years.

As part of that assessment, the local WDB must certify all comprehensive one-stop centers and affiliate one-stop centers within the local area for effectiveness, physical and programmatic accessibility, and continuous improvement, consistent with the statutorily required criteria of WIOA sec. 121(g)(2) and TEGL 16-16. The Department has defined physical accessibility and programmatic accessibility in the regulations implementing section 188 of WIOA, at 20 CFR 38.13.<sup>122</sup>

## **5. Provide capacity building to a variety of job training and adult education programs to utilize the teaching methodology Integrated Education and Training**

A promising practice in adult education is Integrated Education and Training (IET), which is a training methodology that combines basic education with and delivers in the context of, occupational skills training. Adults learn more quickly and gain more skills. IET is considered a best practice and used across the nation.<sup>123</sup>

Most District jobseekers do not qualify for many of the city's job training programs because they do not have the minimum required educational skills.<sup>124</sup> They need help to

---

<sup>122</sup> U.S. Department of Labor, Employment and Training Administration, "Certification of American Job Center FAQs," May 4, 2017, "1. What is the one-stop certification requirement?" available at <https://www.doleta.gov/wioa/faqs.cfm>.

<sup>123</sup> See, e.g., Beth Hawkins, "Adult Education Comes of Age," *Education Next*, Vol. 19, No. 2, Spring 2019, available at <https://www.educationnext.org/adult-education-comes-of-age-new-approach-blends-basic-academics-job-training/>.

<sup>124</sup> Most programs require minimum educational functioning levels for participation, often at or above the 8th or 9th grade levels. While DOES did not provide the committee with updated test scores for FY2019 as requested in the Committee's performance oversight materials, the pattern is likely the same as before, in

improve math and/or literacy skills. As a result, they cannot participate in many workforce development programs. OSSE's Adult Education program uses the IET model, but there are limited slots, and few if any other programs use the model.<sup>125</sup> This greatly limits options for individuals in need of training. Many other programs offer jobs placement with no skill development.

Many people seeking jobs or training also do not want to go back to school—they want to work immediately so they can earn an income. While DOES has introduced some remedial math and literacy skills help *before* entering a job training program, programs using the IET model are able to provide both at once.

The WIC should provide capacity building to boost the provision of IET in District job training programs. The WIC should work with agencies across District government to train agency staff, current and potential training providers, and other parties on the IET model so that it may be woven into programs. An added benefit will be that training programs will be able to accept more individuals who otherwise would not meet minimum entry requirements. Furthermore, individuals will boost their math and literacy skills, helping them to be more successful in the labor market in the long term.

#### ***6. Complete industry-level career maps and create a tool to generate individualized career maps***

The WIC has developed career maps at the industry level in several fields. The WIC should complete the maps in the remaining fields that it has identified as high-demand sectors. It should distribute these widely, as recommended by the Career Pathways Strategic plan: “Share information and resources such as the career pathway maps and a career pathways development ‘blueprint’ guide to foster system partner alignment and collaboration around sector strategies and career pathways and support partners’ planning, decision-making, and investments around pathway and sector strategies.”

The sector-level career maps are a good first step. The WIC should next develop or purchase an online tool to allow individuals to create an individualized career map. It should be a system with which jobseekers can interact. Individuals should be able to enter their current skills or employment information and desired job or skills interests; they should then receive information on possible occupations and links to providers both publicly funded and private organizations.

---

which up to 90 percent of participants in some programs tested below 8th grade in math and nearly half tested below 8th grade in reading.

<sup>125</sup> While DOES offered a grant in 2020 called “integrated education training,” as laid out in the Request for Applications, it did not actually require integrated education *with* training, but only education OR training. See Evette Banfield, “Testimony of Evette Banfield, VP Economic Development Policy, Coalition for Nonprofit Housing and Economic Development, Before the Committee on Labor and Workforce Development, Public Oversight Hearing for Department of Employment Services and Workforce Investment Council,” Wed. March 4, 2020. Additionally, some adult charter schools indicate they use the IET model.

### ***7. Enhance the provider directory to be a searchable and interactive database***

The WIC has developed the first version of a workforce provider directory.<sup>126</sup> It should enhance this directory by adding more providers, including OSSE's WIOA Title II Adult Education providers and organizations appearing on the Eligible Training Provider List. It should also add specific occupations for which the programs provide training and program results. It could use Expenditure Guide information for much of this.

The WIC should then transition the directory into a database searchable by industry, skill, occupation, and other information. As noted above, it should be tied to a new, interactive tool that individuals can use to identify areas for skills training or development; they should be able to link from the map to the new directory to explore and select a provider.

### **3. FY 2021-2026 CAPITAL BUDGET**

The WIC has no capital budget for FY 2021-2026.

### **4. SUMMARY OF COMMITTEE RECOMMENDATIONS**

#### **a. Fiscal Year 2021 Operating Budget Recommendations**

1. Fund the "Healthcare Workforce Partnership Establishment Act," a Budget Support Act Subtitle.
  - Increase Program 3012 with \$130,000 in recurring PS funds and \$559,625 in recurring NPS funds.
2. Increase funds for Career Pathways Innovation Fund
  - Add \$100,000 to Program 3012, CSG 40.
3. The proposed WIOA funding provided to the WIC is insufficient

#### **b. 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

---

<sup>126</sup> Workforce Investment Council, "DC Career Pathways Provider Director," available at <https://dcworks.dc.gov/page/provider-directory>.

- 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

### III. TRANSFERS TO OTHER COMMITTEES

In addition to the changes recommended for agencies within its jurisdiction, the committee has worked with other committees to identify funding needs and recommends transfers to support programs in those other committees as described below.

#### OFFICE OF THE ATTORNEY GENERAL (CB0)

The Committee recommends transferring the following amounts to the Committee on Judiciary.

- \$127,986 in recurring funds to the Office of the Attorney General (OAG) to hire two staff attorneys to expand the capacity of the Social Justice Section (SJS) of the Public Advocacy Division. SJS enforces worker protection laws in the District and has a strong track record of holding employers accountable when they wrongfully withhold employer wages, sick and safe leave, and other rights.

This Committee funded two FTEs for the purpose of wage theft enforcement in FY2018 and has observed the positive results of this investments. As of February 2020, SJS has opened over 30 affirmative wage enforcement investigations and lawsuits.<sup>127</sup> In FY2020 alone, the OAG has successfully resolved two large-scale cases involving alleged wage theft and worker misclassification.<sup>128</sup> In one case, *D.C. v. JD Nursing and Mgmt. Servs., Inc., et al.*, the District successfully obtained a judgment valued at approximately \$216,000 in back wages and penalties. In January, the District settled a lawsuit alleging worker misclassification and failure to pay minimum wage and overtime. The \$2.75 million settlement obtained restitutions for hundreds of workers and penalties payable to the District. OAG also enforces administrative orders issued by the Department of Employment Services (DOES), and has secured judgments totaling over \$200,000. Moreover, in September 2019, OAG released “The Worker Misclassification Report” analyzing how worker misclassification harms District workers, particularly in the construction industry, and detailing the cost to the District.<sup>129</sup> The report has been a valuable resource to this Committee as well as to the worker advocacy community that has been clamoring for better protections for misclassified workers.

---

<sup>127</sup> Office of the Attorney General for the District of Columbia, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions, Committee on the Judiciary and Public Safety,” January 28, 2020, page 90, available at <https://dccouncil.us/wp-content/uploads/2020/03/JPS-Performance-Oversight-Responses-2020-OAG.pdf>

<sup>128</sup> *D.C. v. JD Nursing and Mgmt. Servs., Inc., et al.*, 2017 CA 008411 B (D.C. Superior Court), *D.C. v. Power Design, Inc., et al.*, 2018 CA 005598 B (D.C. Superior Court).

<sup>129</sup> Office of the Attorney General for the District of Columbia, “Issue Brief and Economic Report: Illegal Worker Misclassification: Payroll Fraud in the District’s Construction Industry,” September 2019, available at: <https://oag.dc.gov/sites/default/files/2019-09/OAG-Illegal-Worker-Misclassification-Report.pdf>

Presently, OAG currently has over a dozen active investigations aimed at rooting out worker misclassification, minimum wage, overtime, and paid sick and safe leave.<sup>130</sup> The Committee hopes that increasing staff resources within the Social Justice Section will recover wrongfully withheld wages and benefits for dozens more workers, and continue to send the message to District employers that violations will not go unnoticed or unprosecuted.

#### **OFFICE OF HUMAN RIGHTS (HM0)**

The Committee recommends transferring the following amounts to the Committee on Government Operations.

- The Committee recommends providing \$1,853,227 (\$1,148,227 in PS and \$705,000 in NPS) to the Office of Human Rights (OHR) in FY2021 to stand up the Office's enforcement of the universal paid leave benefits program. The program will begin to accept applications for benefits on July 1, 2020. The law prohibits retaliation against any person seeking to exercise his or rights under the Universal Paid Leave Act. This provision will be enforced by OHR, as determined by the Executive and stated in the governing regulations.<sup>131</sup> Unfortunately, OHR's budget was not increased to account for these new responsibilities. Therefore, the Committee, along with the Committee on Government Operations, recommend providing funds to enable OHR to hire staff and enforce the law. This funding will come from unbudgeted revenues in the Universal Paid Leave Fund,<sup>132</sup> which, under the Committee's related proposed Budget Support Act subtitle will have a special fund dedicated to funding for enforcement purposes in FY2021 and the future (see Chapter IV.B.8).

---

<sup>130</sup> Office of the Attorney General or the District of Columbia, "Responses to Fiscal Year 2019-2020 Performance Oversight Questions, Committee on the Judiciary and Public Safety," January 28, 2020, page 90, available at <https://dccouncil.us/wp-content/uploads/2020/03/JPS-Performance-Oversight-Responses-2020-OAG.pdf>

<sup>131</sup> 7 DCMR 3516.1.

<sup>132</sup> Titled the "Universal Paid Leave Implementation Fund" in current law, but transitioning to a special purpose fund, the Universal Paid Leave Enforcement Fund, in FY2021, pursuant to the BSA subtitle, the Universal Paid Leave Fund Amendment Act of 2020 (see Chapter IV.B.8).

## IV. BUDGET SUPPORT ACT RECOMMENDATIONS

On Monday, May 18, 2020, Chairman Phil Mendelson introduced, on behalf of the Mayor, the “Fiscal Year 2021 Budget Support Act of 2020” (Bill 23-0760). The bill contains one subtitle for which the Committee has provided comments. The committee also recommends the addition of 9 new subtitles.

### A. RECOMMENDATIONS ON MAYOR’S PROPOSED SUBTITLES

#### 1. Title I, Subtitle C, Revenue-Contingent Cost-of-Living Adjustment Act of 2020

##### a. Purpose, Effect, and Impact on Existing Law

The Mayor’s proposed Budget Support Act (BSA) contained a subtitle<sup>133</sup> that would eliminate all cost-of-living adjustments (COLAs) for employees across covered agencies throughout the four-year financial plan. This includes COLAs incorporated into two previously executed collective bargaining agreements (CBAs) that will be effective in FY2021 and which cover more than 10,000 public servants.<sup>134</sup> The Committee strongly opposes the nullification of CBAs, which are legally binding contracts. And to deny a negotiated pay raise after the sacrifice of so many who reported to work during a viral pandemic is demoralizing and likely to make essential workers feel unvalued and disposable. The Committee believes that the proposed subtitle should be struck from the BSA. Unfortunately, the Committee’s response is restricted by the lack of available funds within the Committee’s jurisdiction. Thus, the Committee proposes alternative language that will ensure the CBAs’ terms will be met should revenues become available.

##### b. Committee Reasoning

The Mayor’s proposed subtitle serves to nullify legally binding contracts. The Executive’s stated purpose was to balance the budget while avoiding layoffs or reductions-in-force (RIFs), given the significant decline in revenue that the District experienced following the onset of the coronavirus pandemic. The Committee is extremely concerned about the impact and potential consequences. The abrogation of existing contracts exposes the District government to financial and legal liability and breaches the trust of labor units

---

<sup>133</sup> Entitled the “Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020.”

<sup>134</sup> The two units are Compensation Units 1 & 2 which represents over 9,000 employees and ASFCME District Council 20, Local 2921, which represents over 1,000 paraprofessionals in District public schools; see Council of the District of Columbia (2020). *PR2-0738-Compensation Collective Bargaining Agreement between the District of Columbia and Compensation Units 1 & 2, FY 2018-FY2021, Approval Resolution of 2018*, available at <https://lirms.dccouncil.us/Legislation/PR22-0738> (CBA for Compensation unit 1 and 2) and Council of the District of Columbia (2020). *PR23-0676-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 Declaration Resolution of 2020*, available at <https://lirms.dccouncil.us/Legislation/PR23-0676> (CBA for AFSCME Local 2921). Note that the AFSCME Local 2921 contract terms were determined by arbitration.

in the collective bargaining process. It also erodes the trust between the District government and District government employees whose contributions enable it to function. Some of these employees have exposed themselves and their families to COVID-19 by reporting for duty during the public health emergency.<sup>135</sup> As one union official wrote to the Council:

The Mayor's budget and financial plan places an unfair burden on the very individuals who helped the District through these extreme times. Wage are collectively bargained. The wages of employees should be based on the realistic assessment of the District's economic capabilities. To arbitrarily decide to freeze pay in the future does not adhere to the District's commitment to bargain collectively with the representatives of employees.<sup>136</sup>

The breach of unions' trust is especially concerning, as are consequences for collective bargaining more generally. Indeed, the Committee heard from hundreds of outraged workers strongly opposed to the pay freeze. The Committee is disappointed that the Mayor did not engage in discussions prior to the decision to freeze pay for four years and negotiate with unions about the proposal. Indeed, many labor representatives only learned of the proposal during the mayor's public press conference announcing the proposed budget.<sup>137</sup> An unintended consequence of this approach by the Bowser Administration may be that it will be more difficult for the Administration to reach agreement on contracts currently being negotiated due to the loss of trust and confidence in DC government's ability and willingness to honor negotiated compensation agreements. Finally, if the labor organizations sue and prevail in court, District government could be held liable for the cost-of-living adjustments, potentially several years of legal fees, and the cost of opposing counsel's legal fees.

The Committee's proposed subtitle does not go as far as the Committee would like, which is to honor the CBAs at issue. But the Committee's proposal is a workable solution that will ensure the existing collective bargaining agreements will be honored in the event revenues become available. The subtitle establishes a trigger, so that if revenues become available, they must be used to fund the two executed CBAs. A companion piece of legislation, the Mayor's proposed Local Budget Act (LBA), did contain a provision

---

<sup>135</sup> Fire and EMS Department (2020). *DC'S Bravest at Work*. Retrieved from <https://fems.dc.gov/page/DCs-Bravest-at-Work>; Dana Hedgpeth and Fenit Nirappil, "D.C. police officer dies after contracting the corona virus", *Washington Post*, June 5, 2020, available at [https://www.washingtonpost.com/local/public-safety/dc-police-officer-dies-after-contracting-the-coronavirus/2020/06/05/348eaac0-a74d-11ea-b473-04905b1af82b\\_story.html](https://www.washingtonpost.com/local/public-safety/dc-police-officer-dies-after-contracting-the-coronavirus/2020/06/05/348eaac0-a74d-11ea-b473-04905b1af82b_story.html); Tom Jackson, "D.C. juvenile corrections officer who died at covid-19 was committed to youth at home and at work, family and colleagues say", *Washington Post*, April 2, 2020, available at [https://www.washingtonpost.com/local/public-safety/dc-juvenile-corrections-officer-who-died-of-covid-19-was-committed-to-youth-at-home-and-at-work-family-and-colleagues-say/2020/04/02/251d3a2e-751c-11ea-85cb-8670579b863d\\_story.html](https://www.washingtonpost.com/local/public-safety/dc-juvenile-corrections-officer-who-died-of-covid-19-was-committed-to-youth-at-home-and-at-work-family-and-colleagues-say/2020/04/02/251d3a2e-751c-11ea-85cb-8670579b863d_story.html)

<sup>136</sup> American Federal of Government Employees, AFL-CIO, Letter to Chairman Mendelson and members of the Council, RE: AFGE's Opposition to Mayor Bowser's Proposed 2021 Budget Salary Freezes, June 8, 2020.

<sup>137</sup> AFGE letter, June 8, 2020. Other labor leaders may have learned about the proposal in a phone call with the City Administrator the weekend prior to the Mayor's transmission of the proposed budget to the Council; however, the Committee has heard mixed reports.

providing that if additional revenue became available which exceeds the April 24, 2020, revenue estimate—which was used to determine the available budget as a base for the FY2021 budget formulation—then up to \$50 million would be deposited into the Workforce Investments account. Such funds could be used to increase salaries or benefits; however, the LBA stated that any pay increase would be at the discretion of the Mayor and did not say that the COLAs contained in the executed CBAs would be honored.

The Committee’s proposed subtitle would keep in place the Bowser Administration’s freeze on cost-of-living-adjustments or changes in salary schedules during FY2021 and the remainder of the financial plan for all employees of executive agencies and the Council.<sup>138</sup> However, the Committee’s subtitle *requires* that should future revenue estimates exceed the estimate that formed the base of the current proposed budget, those funds *shall* be allocated to fund the existing collective bargaining agreements. The subtitle also provides that if the excesses fall short of the amount required to fund the two agreements, then the Executive must negotiate with the labor representatives to determine the schedule of payment. If additional funds are or become available, the mayor may fund cost-of-living adjustments for the remaining employees of covered agencies, at her discretion.

Finally, the Mayor’s subtitle stated that no raises could be provided during the entirety of the financial plan. It stated, “no increase in salary or benefits, including increases in negotiated salary, wage, and benefits provisions and negotiated salary schedules, shall be provided in Fiscal Years 2021, 2022, 2023, or 2024.” This language concerned labor organizations as it appears to preclude bargaining, even if funds become available. Therefore, the Committee’s proposal *explicitly includes* the longstanding requirement that “the Mayor... shall negotiate with labor organizations for covered employees in a collective bargaining unit pursuant to the CMPA.” The Committee’s subtitle also permits raises and salary adjustments if revenues permit.

Please see Chapter V for discussion of the Committee’s related recommendation for the Local Budget Act.

**c. Section-by-Section Analysis**

Sec. 1031. States the short title.

Sec. 1032. Establishes definitions.

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

Sec. 1034. Provides for raises contingent upon revised revenue estimates

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

---

<sup>138</sup> The Council is an independent entity and is not subject to the Mayor’s proposal but declines its own annual cost-of-living adjustment on its own accord.

## 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.

#### **e. Fiscal Impact Statement**

This subtitle has no fiscal impact.

## B. RECOMMENDATIONS FOR NEW SUBTITLES

The Committee on Labor and Workforce Development recommends the following new subtitles to be added to the “Fiscal Year 2021 Budget Support Act of 2020”:

1. Healthcare Workforce Partnership Establishment Act of 2020
2. DC Infrastructure Academy Employer Engagement Amendment Act of 2020
3. Workplace Leave Navigators Amendment Act of 2020
4. School Year Internship Pilot Program Amendment Act of 2020
5. Unemployment Insurance Modernization Requirements Amendment Act of 2020
6. District Government Transgender Employment Study Act of 2020
7. Tipped Wage Reporting Clarification Amendment Act of 2020
8. Universal Paid Leave Fund Amendment Act of 2020
9. Shared Work Compensation Program Clarification Amendment Act of 2020

### **1. Title X, Subtitle X, Healthcare Workforce Partnership Establishment Act of 2020**

#### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle would establish and operate a healthcare sector partnership to provide guidance to the District, particularly to the Workforce Investment Council (WIC) about healthcare training. The purpose of the partnership is to increase the number of District residents employed in the healthcare industry—with a focus on jobs at the two new hospitals in the District that will be financed with taxpayer dollars during the financial plan—and to meet the staffing needs of employers not only in the hospital sector but in the District’s managed care organizations, private insurers, and other healthcare providers. The subtitle would fund an organization to facilitate the partnership and fund training for District residents in healthcare occupations.

#### **b. Committee Reasoning**

Sector partnerships are a best practice to carry out activities that align workforce development programs with the hiring needs of an industry. Congress revamped the federal workforce development law in 2014, known as the Workforce Innovation and Opportunity Act (WIOA), and made industry sector partnerships a key component. The law requires workforce boards to create and utilize sector partnerships and says that funds allocated to a local area “shall be used... to develop, convene, or implement industry or sector partnerships.”<sup>139</sup>

---

<sup>139</sup> Workforce Innovation and Opportunity Act, 29 USC 32, §3174(c)(1)(A)(v). (Sec. 134 of H.R. 803). There are multiple references to sector partnerships in the Act, including requiring that state workforce boards disseminate information to local areas about sector partnerships, it is allowable use of statewide WIOA funds, and “industry or sector partnership is a defined term (see 29 USC 29 §3102(26)).

Healthcare is a major sector in the District, as the DC Hospital Association testified at the committee’s FY2021 budget hearing: “In the District of Columbia, the healthcare industry is the second largest non-governmental employer behind academia. Research shows that the local healthcare industry has a plethora of career opportunities within the District with strong demand for nursing and medical assistants and other skilled technicians.”<sup>140</sup> According to Mayor Bowser’s DC Economic Strategy, “The healthcare and social assistance sector accounted for 59,000 jobs in the District, with the majority working in hospitals (27,000), ambulatory healthcare services (20,000), and nursing and residential care facilities (7,000).”<sup>141</sup> In other words, one in every 12 DC workers is in healthcare. As the District plans to fund the construction of two new hospitals, the District should capitalize on this investment by providing training for DC residents so they can benefit from the jobs that will be created with their taxpayer dollars.

COVID-19 raises the stakes further. The novel coronavirus has had a detrimental impact not only on the public’s health but on our local economy as well. The virus has been particularly deadly for DC’s Black and Latino residents, and those are the demographic groups that have also been most severely hurt financially, because many Black and Latino workers are in industries such as hospitality. How DC’s recovers economically, and how to help and to protect workers as we expand businesses able to operate, is a paramount concern of the Committee. Thousands of workers may need to find a next or a new job, and healthcare has many openings. Healthcare is a sector that experienced worker shortages prior to COVID-19 and remains an industry with even greater needs for hiring. There are 16 medical centers and hospitals located within the city and DC is a medical hub in the metropolitan region.<sup>142</sup> The Committee’s aim is to facilitate the training and employment of District residents to fill those slots and provide good, well-paying jobs.

The subtitle has three components. First, it establishes a Healthcare Workforce Partnership composed of healthcare employers and training providers to provide guidance to the District on healthcare workforce training. Second, the subtitle will create and fund an organization to serve as an “intermediary” to facilitate the Partnership’s activities. An “intermediary is an organization that brings together employers and workforce training providers from the same industry to plan, develop, and implement strategies to link training to jobs. Finally, the subtitle creates a grant program at the WIC to fund training in the healthcare field.

The subtitle outlines the recommendations that the Healthcare Workforce Partnership will provide to the WIC on skills training. These recommendations will include the healthcare occupations requiring less than a bachelor’s degree in which DC should invest in training and the hiring needs of District funded hospitals, including the number

---

<sup>140</sup> Justin J. Palmer, “Testimony before the Council of the District of Columbia, Committee on Labor and Workforce Development on FY21 Budget Priorities,” May 28, 2020, p. 3-4, available at: <https://www.dcha.org/HigherLogic/System/DownloadDocumentFile.ashx?DocumentFileKey=65e5ccc7-72cc-a17f-3a46-3c6e317d4383&forceDialog=0>

<sup>141</sup> Mayor Muriel Bowser, “DC’s Economic Strategy,” March 2017, page 34, available at: <https://dceconomicstrategy.com/coresectors/health-care-life-sciences/>

<sup>142</sup> Mayor Muriel Bowser, “DC’s Economic Strategy,” March 2017, page 34.

of workers needed disaggregated by occupation. The Partnership would identify the skills needed to obtain employment in the occupations selected; curricula for training; and the feasibility of providing training in-person, virtually or a blended approach. Furthermore, the partnership will develop customized healthcare career pathway maps for the selected occupations and recommendations for tactics and strategies for increasing training slots and attracting and retaining District residents in the healthcare occupations.

The Intermediary will have strong relationships with key organizations in the healthcare community and would appoint community members to the Partnership, a majority of which will be healthcare employers. The Intermediary would provide administrative support to the Partnership, compose and transmit a Healthcare Occupations Report, and provide feedback to the WIC on the statement of work for solicitation of training grants. The Intermediary will broker training providers' and participants' requests for professional development and learning opportunities at the healthcare facilities to offer practical work experience in a student's field of study.

Finally, the subtitle establishes two potential methods for the WIC to arrange for training. The WIC may issue grants to training providers consistent with the Partnership's recommendations, or the WIC may partner with the University of the District of Columbia Community College and the Office of the State Superintendent of Education to provide training directly. In light of the limited resources in FY 2021, a minimum of two healthcare occupational training programs are required, with the anticipation of more in the future when additional resources are available. Upon completion of training, the intermediary will help participants through coaching, practice interviews, job fairs, screening and referral directly to healthcare employers hired. These activities will help plug qualified and trained workers directly into employment opportunities needed and available in the District.

Research shows that sector partnerships are a best practice: they are common in other states and very successful. The National Skills Coalition has developed policy toolkits and scanned the country for states that have implemented sector partnership models. "This scan finds that thirty-two states have policies in place to support local sector partnerships, an increase of eleven states from our previous scan conducted two years ago. Of the thirty-two states, twenty-two provide funding to support local sector partnerships, an increase of seven states from two years ago."<sup>143</sup> The scan goes further to explain, "Increased state support for sector partnerships is largely attributable to WIOA. WIOA, which became effective two years ago, requires sector partnerships as a local workforce activity, and requires states to support those local efforts."<sup>144</sup>

Additionally, the Aspen Institute's concluded, "Research has established sector partnerships' effectiveness in improving training programs' participation and completion

---

<sup>143</sup> National Skills Coalition, "Skills in the States: Sector Partnership Policy 50-State Scan," October 2017, page 4, available at: <https://www.nationalskillscoalition.org/resources/publications/file/Sector-Partnership-Scan-1.pdf>

<sup>144</sup> National Skills Coalition, "Skills in the State," October 2017, page 4.

rates. They also yield better employment and earnings outcomes for workers.”<sup>145</sup> Additionally, MDRC, a nonprofit, nonpartisan education and social policy research organization, conducted an evaluation of the WorkAdvance model, a sectoral training and advancement initiative. “Overall, WorkAdvance resulted in large increases in participation in every category of services, as well as in training completion, credential acquisition, and employment in the targeted sector, compared with what would have happened in the absence of the program. Expenditures for the operation of WorkAdvance fell between \$5,200 and \$6,700 per participant at the four providers delivering the program.”<sup>146</sup>

At the Committee’s public budget hearing on DOES, the DC Hospital Association testified in support of a healthcare sector partnership: “We believe that continued investments in on the job training and intermediary support programs offer a pathway to sustainable employment for District residents... I can provide one example of an intermediary program that DCHA has designed. Recognizing the disconnect between the demand for skilled career positions and qualified employment of District residents for them, the Association created a market driven workforce development program, Pathways to Progress, that seeks to address the social and structural barriers thereby paving the way to sustainable healthcare career pathways for chronically unemployed and underemployed populations,” said Justin Palmer, the organization’s Vice President for Public Policy & External Relations.<sup>147</sup>

**c. Section-by-Section Analysis**

Sec. 1XX1. States the Short title.

Sec. 1XX2. Defines terms

Sec. 1XX3. Establishes an “intermediary” and sets required activities.

Sec. 1XX4. Assigns duties to the “intermediary”

Sec. 1XX5. Establishes a “Healthcare Workforce Partnership” and defines membership and sets required activities.

---

<sup>145</sup> Ethan Pollack and Alastair Fitzpayne, “Supporting the Development of Industry and Sector Partnerships to Create Regional Jobs and Career Pathways”, July 9, 2019, available at: <https://www.aspeninstitute.org/blog-posts/industry-and-sector-partnerships/#:~:text=Research%20has%20established%20sector%20partnerships,can%20support%20growth%20and%20competitiveness.>

<sup>146</sup> Richard Hendra, et al., “Encouraging Evidence on a Sector-Focused Advancement Strategy,” MDRC, August 2016, available at: <https://www.mdrc.org/publication/encouraging-evidence-sector-focused-advancement-strategy-0>

<sup>147</sup> Justin J. Palmer, “Testimony before the Council of the District of Columbia, Committee on Labor and Workforce Development on FY21 Budget Priorities,” May 28, 2020, p. 3-4, available in Attachment C to this report.

Sec. 1XX6. Establishes “healthcare training programs” and sets conditions of programs.

Sec. 1XX7. Sets method and timing for submission of reports.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XX. 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 a 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).

**e. Fiscal Impact Statement**

This subtitle has a fiscal impact of \$530,000 in FY2020 and \$689,625 in FY2022 and future years.

	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>
Project Manager Position (incl. fringe)	\$130,000	\$130,000	\$130,000	\$130,000
Grant to Intermediary	\$250,000	\$254,375	\$258,827	\$263,356
2 Grants for Training Programs (starts July 2021)	\$150,000	\$305,250	\$310,592	\$316,027
<b>TOTAL</b>	<b>\$530,000</b>	<b>\$689,625</b>	<b>\$699,418</b>	<b>\$709,383</b>

## **2. Title X, Subtitle X, DC Infrastructure Academy Employer Engagement Amendment Act of 2020**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will establish Industry Advisory Committees at the DC Infrastructure Academy to guide training to meet the needs of employers in the infrastructure and IT sectors and help more District residents get living-wage jobs and stable careers in these fields.

### **b. Committee Reasoning**

The DC Infrastructure Academy (DCIA) is a marquee workforce development initiative of the Bowser Administration that was launched in March 2018. According to DOES, “DCIA coordinates, trains, screens and recruits residents to fulfill the hiring needs of leading companies within the infrastructure industry.”<sup>148</sup> This subtitle will make employer engagement, which is a best practice in workforce development, a key feature of the Academy. The subtitle will establish Industry Advisory Committees to help guide DCIA training and activities. This will embed the practice of employer feedback to ensure that training will meet employers’ needs and thus help training participants succeed in finding employment after training. By positioning business to help shape the public investments in job training, DCIA will achieve better outcomes for District residents who rely on DCIA to help them find long-term, stable, living-wage careers.

Since DCIA’s inception, employment results have been in need of improvement. According to DOES’ 18-month report on DCIA, 1,234 people enrolled in DCIA programs in FY2018 and FY2019, and of those, 48 obtained employment in FY2018 and 224 in FY2019.<sup>149</sup> Data submitted to the Committee as part of performance oversight materials show that in many programs, less than half of people who completed training then went on to find a job.<sup>150</sup> One seeming exception is the partnership with Pepco Holdings, the DC Quick Path to Energy program, which had a 71 percent employment rate in 2018.<sup>151</sup> While the performance oversight data submitted showed 42 percent received employment in FY2019, DOES Director Unique Morris-Hughes testified, “The Pepco Program has been a great success, with its first cohort of 22 District residents yielding an outcome of 100

---

<sup>148</sup> Department of Employment Services, “District of Columbia Infrastructure Academy 18 Month Report,” March 5, 2020, page 3, available at [https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/20200305\\_DCIA%2018%20Month%20Report\\_web.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/20200305_DCIA%2018%20Month%20Report_web.pdf).

<sup>149</sup> Department of Employment Services, “District of Columbia Infrastructure Academy 18 Month Report,” March 5, 2020, page 9.

<sup>150</sup> In FY2018, results range from 49% to 54% of completers entered employment; in FY2019, it ranged from 2% to 50% of completers obtained employment. See Department of Employment Services, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” February 7, 2020, Attachment to Q 87, pg.983, available at: [https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only\\_Part2.pdf](https://dccouncil.us/wp-content/uploads/2020/02/DOES-POH-2020-Combined-Attachments-only_Part2.pdf).

<sup>151</sup> Department of Employment Services, “Responses to Fiscal Year 2019-2020 Performance Oversight Questions,” February 7, 2020, Attachment to Q 87.

percent completion and employment.... The program has been so successful that Pepco's parent company Exelon is looking to make it a national model."<sup>152</sup> The success of Quick Path to Energy once again demonstrates to the Committee that when business is involved in the design and implementation of training, residents are directly connected to employment.

The Director also concurs with the Committee on the need to improve employment results at the Infrastructure Academy. During the March 6, 2020 performance oversight hearing, the Director stated, "There's an opportunity for us to connect more individuals with employment. We acknowledge that."<sup>153</sup> She reiterated this sentiment later by stating, "...we certainly acknowledge that there is an opportunity to get more District residents hired."<sup>154</sup> This subtitle supports models like Quick Path to Energy, which requires employer engagement in workforce training programs and leverages a model that is both nationally recognized and has demonstrated, proven results here in the District.

The subtitle will put the best-practice of employer engagement into action across DCIA by establishing industry advisory committees for each of the industries in which DCIA offers training. These committees will provide recommendations to DCIA on several matters. To shape which committees will be created, the subtitle sets out which industries will be the focus of training at DCIA. The subtitle requires occupational skills training to continue in the industries DCIA has already identified: construction, infrastructure, and information technology. The subtitle makes clear that DCIA may offer training in additional industries for which there is significant demand either regionally or by a major employer. This gives DCIA flexibility to expand its offerings.

Each industry advisory committee will be comprised of a minimum of two employers. The DOES director will select the members. For training that is provided for a single employer (often called "customized training,") the subtitle does not require committee feedback, but it would be welcome. The subtitle does require that the employer for which training is created should provide feedback on that program.

The industry committees will make annual recommendations on several matters: two to four specific occupational skills trainings that DCIA should offer in that industry;

---

<sup>152</sup> Unique Morris-Hughes, "A Review of The Department of Employment Services' Workforce Development Programs: Local Adult Training and the DC Infrastructure Academy," Testimony at Public Oversight Roundtable of the Committee on Labor & Workforce Development, Council of the District of Columbia, October 30, 2019, available at: [https://d3n8a8pro7vhmx.cloudfront.net/silverman/pages/510/attachments/original/1583445875/DOES\\_Performance\\_Oversight\\_Hearing\\_Testimony\\_2020\\_%28003%29.pdf?1583445875](https://d3n8a8pro7vhmx.cloudfront.net/silverman/pages/510/attachments/original/1583445875/DOES_Performance_Oversight_Hearing_Testimony_2020_%28003%29.pdf?1583445875)

<sup>153</sup> Department of Employment Services, "Performance Oversight, Government Witnesses," Committee on Labor and Workforce Development Council of the District of Columbia, March, 6, 2020, 40 minutes and 09 seconds, available at: [http://dc.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=5421&caption\\_id=12067104](http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=5421&caption_id=12067104)

<sup>154</sup> Department of Employment Services, "Performance Oversight, Government Witnesses," Committee on Labor and Workforce Development Council of the District of Columbia, March, 6, 2020, 40 minutes and 57 seconds, available at: [http://dc.granicus.com/MediaPlayer.php?view\\_id=&clip\\_id=5421&caption\\_id=12067104](http://dc.granicus.com/MediaPlayer.php?view_id=&clip_id=5421&caption_id=12067104)

the number of people to train, based on employer need; the industry-recognized credential needed to qualify and ensure trainees earn a credential with market value; the skills a trainee should know to be successful on the job; and the tools, equipment, and materials one will use once they have employment. Finally, the committees would provide guidance on the feasibility of different means of teaching—whether in-person, virtual, or a blend.

DCIA currently may provide training either with in-house talent or through a grant or contract, and this would not change under the subtitle. If DOES utilizes a grant or contract, the industry committees will be invited to review and provide feedback on the statement of work for the solicitations. This will help ensure DCIA hires qualified trainers and that the programming aligns with the industry committees' recommendations at the Infrastructure Academy. There would be timelines for DCIA to receive industry committee feedback on statements of work, to not delay any service delivery.

The subtitle also expands services that may be provided by DCIA to include a holistic approach to training by including support services, the best-practice adult literacy-workforce development model known as integrated education and training, workforce preparation such as soft skill development, and job development like mock interviews and resume writing. Upon completion of the employer customized training, DCIA would then prepare participants for successfully obtaining an industry-recognized credential through practice exams and test preparation sessions and refer qualified candidates to employers.

As required under current law, DCIA training must prepare participants for employment in a job that pays an average wage that is at least 150 percent of the minimum wage, which is \$22.50 on July 1, 2020. To assist in securing employment, DCIA would then be required to refer qualified candidates to employers for interviews and eventually employment. This gives candidates a greater likelihood of success, such as was seen in the Quick Path to Energy partnership with Pepco.

The subtitle retains the current legal requirement that a portion of grant or contract payments is performance-based. At least 25 percent of the award must be contingent on achieving one of two outcomes: 75 percent of participants secure an occupational credential or 80 percent of participants enter unsubsidized employment. Ideally, both milestones could be achieved, but if a candidate is not hired at completion, he or she will still be qualified for a job in a high-growth field.

The Committee recommends this subtitle because business-informed job training is a growing practice and has proven results. The subtitle allows DCIA to tailor training precisely for the needs of the industry. It keeps publicly-funded job training current and on-pace with changing needs of the business. The subtitle allows the advisory committees to recommend multiple occupations. DCIA can offer training they deem necessary based on employer feedback. This gives DCIA the autonomy to amend or change pieces of training to fit the demands and evolution of the industry. The Committee also included language to address potential conflicts of interest with employers and training providers. The Director of DOES selects the employers for the committees, and the committees are a structure to give feedback to help DCIA succeed.

As noted, business input into training is a best practice in workforce development. DOES already seeks input from employers for some of its programming, such as customized training for Pepco and Washington Gas. In fact, DOES shared with the Committee laws from other states that require the same input as the proposed subtitle. The laws concern Career and Technical Education (CTE), which is the practice of teaching specific career skills to students in middle school, high school, and post-secondary institutions.<sup>155</sup> The Colorado Career and Technical Education Act includes technical advisory committees for planning and applying their CTE curricula.<sup>156</sup> It is designed to provide students entry-level occupational skills. Colorado also requires facilities to be sufficiently equipped to permit adequate training. Michigan's Career and Technical Education law mirrors Colorado's law.<sup>157</sup> Michigan has program advisory committees with majority business and industry representation. Monitoring of the programs is based upon feedback from the committees and predetermined state or federal skills standards to include student outcomes. Michigan also includes an expedited approval process of programs that recognizes local workforce needs, emerging technologies, and local demand occupations.

The District also revised its own CTE program model in FY2020 to include Industry Advisory Boards (IAB). The District's state CTE plan requires that IABs have a minimum membership of 10 industry representatives, and it identifies the specific industry sectors for training and education. The IABs are responsible for providing industry expertise on trends affecting course standards and program outcomes. They advise on industry-recognized credentials and participate in monitoring visits and performance reviews. IABs connect students to industry and bring work-based learning to classrooms through tutoring, mentoring, and job shadowing. There is also a provision for developing internships through the IABs and enhancing teachers' content knowledge on the industry.<sup>158</sup>

The Committee shared the legislation with several employers and training providers with close ties to DCIA. All of the feedback was extremely positive. The Washington Metropolitan Transit Authority (WMATA) said, "I think the formation of the Committees is a wonderful idea. With many people out of work, the Academy should be a good resource to align job seekers with new skills and employment. I would be willing to work with your office and DCIA to have an account established with the testing vendor for our Student Bus Operator position." That way the DCIA could put all interested job seekers through

---

<sup>155</sup> Colorado Revised Statutes Section 23-8-101 et seq (2017); Michigan Compiled Laws Section 380.684 (2016).

<sup>156</sup> Colorado Office of the CTE Director, "Career and Technical Act," available at: <http://coloradostateplan.com/administrator/career-and-technical-act-cta/#:~:text=The%20Career%20and%20Technical%20Act,Community%20Colleges%20and%20Occupational%20Education>.

<sup>157</sup> Michigan Department of Education, "Career and Technical Education," available at: <https://www.michigan.gov/mde/0,4615,7-140-2629---,00.html>

<sup>158</sup> Office of the State Superintendent of Education, "Strengthening Career and Technical Education for the 21st Century Act (Perkins V) STATE PLAN District of Columbia," December 11, 2019, available at: [https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State Plan v4.0 %28Public Comment%29.pdf](https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State%20Plan%20v4.0%20Public%20Comment%29.pdf)

the test and refer those who pass to WMATA to move forward in our process.”<sup>159</sup> As well, IT training provider Hope Project thought the approach would be favorable during a phone call exchange with the Committee, “I think it is great. These are things I already do and think they make the program stronger. We need employers at the table,” said executive director Ray Bell.<sup>160</sup> Another current partner of the DC Infrastructure Academy, Washington Gas, shared with the Committee: “DCIA should continue to be inclusive of employers and industry subject experts to be equal partners at the table. Essentially, we want people to leave with skills and credentials in a sector that will enable them not only to work; but build a career that will inevitably make their families and communities whole. While I don’t think we should limit the types of industries that partner with DCIA, the notion of employer advisory committees is a good idea. Especially if they will serve as an extension of the already existing strategic partner/employer relationships held at the academy and not incur the ability to get our communities gainfully employed.”<sup>161</sup> The feedback was overwhelmingly positive, and the final subtitle language accommodates training in additional industries.

The Committee recommends the DC Infrastructure Academy Employer Engagement Amendment Act to invest District taxpayers’ workforce funds in models that have proven results, reach the widest number of residents, and offer the most customized and current training available. Business-shaped training as outlined in the subtitle will help DCIA achieve its goal of moving District residents into the middle class.

**c. Section-by-Section Analysis**

Sec. 1XX1. States the Short title.

Sec. 1XX2. Amends the Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-46; D.C. Official Code § 32-241 et seq.)

Subsection (a) Amends Section 2(D.C. Official Code § 32-241) by adding new defined terms

Subsection (b) repeals the existing (a-2)

Subsection (c) adds new sections 2e and 2f.

New Section 2e(a) identifies industries for skill training and sets means for receiving feedback from Industry Advisory Committees with timeframes. There are additional duties outlined.

New Section 2e(b) identifies services that may be offered.

---

<sup>159</sup> Steven Boney, letter to Councilmember Silverman, via e-mail, June 15, 2020.

<sup>160</sup> Raymond Bell, conversation with Council Committee on Labor and Workforce Development, via phone, June 16, 2020.

<sup>161</sup> Apera Nwora, Washington Gas Manager Stakeholder Engagement and Outreach, email to Committee staff, June 22, 2020.

New Section 2e(c) sets criteria for skills training and sets grant payment conditions.

New Section 2f(a) establishes Industry Advisory Committees and identifies appointment authority and committee composition.

New Section 2f(b) identifies feedback from Industry Advisory Committees to DCIA.

New Section 2f(c) identifies feedback between DCIA and Industry Advisory Committees.

New Section 2f(d) sets a timeframe for Industry Advisory Committees providing feedback to DCIA

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE C. DC INFRASTRUCTURE ACADEMY AND 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.”.

**e. Fiscal Impact Statement**

This subtitle has a fiscal impact of \$129,462 for 1 FTE.

<b>Fiscal Impact of DC Infrastructure Academy Employer Engagement Amendment Act Of 2020</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Four-Year Total</b>
Industry Committee Coordinator (1 FTE, Grade 12), DOES <sup>1</sup>	\$129,462	\$129,823	\$130,191	\$130,564	\$520,039

<sup>1</sup>Though cost-of-living increases are frozen we assume fringe benefits grow by 1.5% annually.

### **3. Title X, Subtitle X, Workplace Leave Navigators Amendment Act of 2020**

#### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will establish a new grant program at the Office of Paid Family Leave at DOES. The program will fund both worker advocacy organizations and business or trade organizations to help workers and businesses navigate workplace leave laws.

#### **b. Committee Reasoning**

District workers are fortunate to have a number of protections that they can rely on to take paid or job-protected time off from work. These include the Accrued Safe and Sick Leave Act, the DC and federal Family and Medical Leave acts, DC's Protecting Pregnant Workers Fairness Act, and temporary laws enacted at the federal and local levels during the coronavirus pandemic of 2020. The District of Columbia will also begin to issue benefits under its new Universal Paid Leave program beginning July 1, 2020. Enacted under the Universal Paid Leave Act of 2016 (UPLA, Law 21-264), the program will provide partial wage replacement to District workers for family leave, parental leave, and medical leave. As the UPL program stands up, it is important that the District ensure that workers are able to access the benefit, and that employers have the support they need to comply with it.

However, from a worker or employer perspective, all the possibilities can be challenging—or even unknown. There is no single governmental office, at the District or federal level, or other resource that is equipped to help businesses understand what their employees may be eligible to use under the law and no resource to help guide workers during family and health events that might be some of the most stressful moments in their lives. Nor is there a source to help businesses as they strive to stay in compliance with various laws.

Workers should not have to become minor experts in every law that might apply to them simply to use the one or two that might provide the best coverage.<sup>162</sup> The Committee has heard from many workers who want to understand which forms of leave they are eligible for, when to inform their employer, when to apply, what documentation to provide, and many other issues that may arise before an applicant even begins to file a claim.<sup>163</sup> And while some workers will file their own claims without assistance, others may need a helping hand to apply, respond to an agency's or employer's questions about their application, or register complaints if they believe their rights have been violated.

---

<sup>162</sup> DOES knows well the complexity of the Paid Family Leave program, having spent the last three years staffing, creating infrastructure, developing internal processes, and issuing regulations and public-facing materials.

<sup>163</sup> During the coronavirus pandemic, the Committee and private organizations were flooded with questions about how to navigate existing leave programs under local and federal laws, highlighting the need for such a resource.

A navigator will be an asset to businesses, particularly small businesses where human resource managers wear many hats but which also cannot afford to pay for professional compliance advice. Employers have also reached out to the Committee to inquire about how to best support workers who need to use leave, as well as how they can coordinate different types of leave in their personnel policies. In numerous public hearings during the lead-up to the launch of the paid leave program, the DC Chamber of Commerce and other employer associations testified that they wanted guidance from the agency on how to coordinate benefits; they also called for this in their regulatory comment letters.<sup>164</sup> Businesses have asked the Committee about how PFL fits with short term disability and other employer-provided paid leave, but this is not advice that the Committee can provide.

To assist both workers and businesses to navigate this legal landscape, the Committee recommends the creation of a new grant program to fund community-based organizations that will house navigators to help workers and businesses.

Public witnesses at the Committee's public FY2021 budget hearing testified that there is a need for a workplace leave navigators program. Kim Perry, executive director of DC Action for Children; Joanna Blotner, campaign manager for DC Paid Leave, Jews United for Justice; and Laura Brown, executive director of the First Shift Justice Project, all recommended making funding available to community groups who could provide counseling and guidance to workers who want to use paid family leave or access other, related rights or benefits.<sup>165</sup> They agreed that employers would need education, too. Ms. Blotner added that community groups that have strong roots in the communities will be particularly well-equipped to support individuals during some of the most trying times in their lives. Given the stressful, life-altering reasons why people have to use Paid Leave, it is understandable that some workers will want to speak with a trusted neighbor rather than a government entity. Employer representatives also provided very positive feedback to the Committee regarding the proposed legislation, including one organization leader who related a question that would be perfect for a business-advocacy organization funded under the Workplace Leave Navigators Program to field.

The Workplace Leave Navigators grant program will fill those gaps and allow community organizations to take a comprehensive, cross-agency view of the broader workplace leave landscape, encompassing an array of District and federal laws and agencies. This grant program will enhance agency capacity and serve as an important complement to the existing outreach and services that the Office of Paid Family Leave (OPFL), the Office of Wage-Hour, and the Office of Human Rights offer to the public. Agencies cannot provide guidance to workers on laws outside their jurisdiction, nor can

---

<sup>164</sup> Testimony before the Committee on Labor and Workforce Development, Council of the District of Columbia, Public Oversight Roundtable Regarding Implementation of the Universal Paid Leave Act, January 30, 2020 (video available at [http://dc.granicus.com/MediaPlayer.php?view\\_id=45&clip\\_id=5345](http://dc.granicus.com/MediaPlayer.php?view_id=45&clip_id=5345)) of the following witnesses: Erika Wadlington, DC Chamber of Commerce (1:01); Justin Palmer, DC Hospital Association (1:11, 1:42); Ilyse Schuman, American Benefits Council (1:12); Unique Morris-Hughes (2:40); See also Laura Brown, Testimony to Committee on Labor and Workforce Development, May 28, 2020, available in Attachment C.

<sup>165</sup> Testimony to Committee on Labor and Workforce Development, May 28, 2020, available in Attachment C.

they tell employers how to set up their benefits programs.<sup>166</sup> The fact-specific nature of the inquiries makes it necessary for individual claimants to receive individualized assistance; this is not a function that any government agency could provide. Workers cannot call any DC government agency - including the Office of Paid Family Leave (OPFL) - for advice. In the absence of community support, and the lack of authority for a government agency to provide individual guidance, many workers are left only with their supervisors, coworkers, or sometimes HR offices to provide guidance. Yet these sources may lack of legal knowledge, and, possibly experience a conflict of interest in providing advice.

Businesses and workers alike will benefit greatly from having a central, experienced point person available to help them. The grant allows for multiple community organizations to provide services, which would give users options. Further, workers and businesses need help in advance, but government agencies are set up to receive claims when the law has already been violated. Business advocacy organizations can help employers avoid mistakes that could result in a complaint or violation. Additionally, agencies will benefit, as it is more efficient for grantees to proactively engage with applicants so they can file a complete and accurate application when they first approach the agency, as opposed to receiving a denial or going through multiple iterations of an application.

The grants would be issued by the Office of Paid Family Leave at DOES. Worker groups would receive at least twice as much funding as employer groups. Worker groups will be able to help workers file an initial claim for universal paid leave; determine the type of workplace leave for which the worker may be eligible; file an administrative complaint related to the provision of workplace leave, including a complaint of retaliation; respond to or appeal an initial administrative decision or determination related to workplace leave; or provide an employer with appropriate documentation supporting a request for workplace leave. The grant may also be used to provide training and guidance to medical providers or healthcare trade or professional associations on the requirements of workplace leave laws and related documentation. On the business side, grantees would assist employers by sharing best practices or providing guidance on how to coordinate and accommodate different types of workplace leave, along with employer-sponsored disability plans. The Committee has specified that the funds may not be used to initiate or defend lawsuits in court.

---

<sup>166</sup> DOES has said on several occasions that it cannot provide advice to claimants or employers when they are attempting to comply with the Universal Paid Leave program; for example, see Testimony before the Committee on Labor and Workforce Development, Council of the District of Columbia Public Oversight Roundtable Regarding Implementation of the Universal Paid Leave Act, January 30, 2020, of Dr. Unique Morris-Hughes, Director, Department of Employment Services (2:40), who stated: “The agency is not in a position legally to advise an employer on how they should modify their own...benefits policy to apply or coordinate with UPL. So we don’t have the ability legally and I would never recommend that any of the staff consult with an employer to say, ‘You should change your benefits system and what you offer to conform or mirror or top off with universal paid family leave’ ... We don’t want to be in the business of advising an employer of *how* to do it. What we can say is that, ‘This is available. You can use the benefit in addition to your own company benefit.’ But we’re not in the position and we will not take the position of consulting and advising on *how* to do it.”

The Committee has identified funds in the Universal Paid Leave Fund to support the Program. This Fund consists of contributions paid by businesses on behalf of workers for the Universal Paid Leave Program. The Universal Paid Leave Act authorizes that up to 10 percent of the funds collected may be used on administration. Another Committee-proposed BSA subtitle, the “Universal Paid Leave Fund Amendment Act of 2020,” (see Chapter IV.B.7 of this report) will reduce that percentage to nine percent, while assigning the other one percent to the agency enforcing the anti-retaliation aspect of UPLA. Of the nine percent for administration, up to 10 percent may be used for public education, which will include the Workplace Leave Navigators Program. As of June 2020, over \$300 million has been collected, allowing for more than \$30 million in administration costs under current law and \$27 million under the proposed subtitle, with up to \$2.7 million for public education. DOES has budgeted \$20 million for administration in FY2021. Thus, the Administrative Fund’s resources will be adequate to fund the Workplace Leave Navigators Program at the Committee’s proposed budget level for FY2021 of \$750,000.

**c. Section-by-Section Analysis**

Sec. XX01. States the short title.

Sec. XX02. Establishes definitions.

Sec. XX03. Establishes the Workplace Leave Navigators Program as a new grant program to be administered by the director of DOES. The Section also includes eligible recipients, uses of funds, and sets requirements for administration of the grant program.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XX. 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.

**e. Fiscal Impact Statement**

Funds are sufficient in the Universal Paid Leave Fund to implement this subtitle.

#### **4. Title X, Subtitle X, School Year Internship Pilot Program Amendment Act of 2020**

##### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle would establish a pilot program, the School Year Internships Pilot Program (SYIPP) at DOES in Spring 2021 to provide school-year, paid internships for 250 high school students in a similar manner to the agency’s Marion S. Barry Summer Youth Employment Program (SYEP). The subtitle would also require annual reporting of information on all DOES-run youth programs, other than SYEP (which already has reporting requirements); this information is not otherwise publicly available.

##### **b. Committee Reasoning**

The Committee has heard for years from DC high school students, community organizations, public witnesses in hearings, and others that there should be more opportunity for paid internships for District high school students during the school year. The District has a large summer employment program, the Marion Barry Summer Youth Employment Program (MBSYEP), which provides work-life development or work experience to 10,000-12,000 youth each summer. However, there are few opportunities for students to work during the school year. Yet work experience is critical to the long-term success for the District’s youth. As Marcia Huff of the Young Women’s Project testified about the 100 youth and young adults she has worked with, “I cannot communicate enough the importance of early interventions, training, and support of DC youth. Workforce readiness training and quality job experiences are an essential part of the solution.”<sup>167</sup>

Many students wrote directly to the Committee urging the creation of a pilot internship program in FY2021. One student, Marie Tata, a rising junior at Woodrow Wilson High School wrote:

High school students deserve more than just summer work. Preparing for and securing employment is an urgent issue for DC high school students. In DC there are very few opportunities for students to gain paid work experience all year round. High school students deserve more than just summer work. Six weeks of work is not enough time for students to develop deep relationships or grow and develop their skills. High school employment and early work experience is important to me and other high school students because it gives us an opportunity to save up for our futures, build our resumes and helps us practice being in the workforce.<sup>168</sup>

Another student, Mykaela Marsh-Cobb, is a graduating senior at Dunbar High School. She wrote:

---

<sup>167</sup> Marcia Huff, “Testimony to the Committee on Labor and Workforce Development, Budget Oversight Hearing, Department of Employment Services,” May 28, 2020, p. 2.

<sup>168</sup> Marie Tata, letter to Councilmember Silverman, via email, June 11, 2020.

I am writing to urge you to support a \$576,000 budget allocation for the creation of a DOES year-round employment program for DC high schools. High school students deserve more than just summer work. Small investments can go a long way, especially concerning high school students who plan to attend to college. DOES providing opportunities that are just 6-8 hours a week can have a positive impact on future employment and earnings. Preparing for and securing employment is an urgent issue for DC high [school] students. Early work experiences are especially valuable in struggling families because they provide additional income and help put students on a career path.<sup>169</sup>

The District offers several work-related programs for high school students, including two DC Public Schools programs, but one is a summer program and the other enrolled approximately 120 students from 12 schools in 2019.<sup>170</sup> At DOES, over the past 2 years, approximately 230 students were served, although the Committee does not have information on how many participated in paid internships.<sup>171</sup> Regardless, the students who wrote to the Committee want to see more paid internships available in the future.

The proposed subtitle will establish a pilot project in FY2021 with internships occurring between January and June 2021. They would be paid at \$10 per hour. Students who are at-risk would be prioritized for participation. Internship hosts could be non-profit organizations, public or public charter schools, government agencies, or private businesses. Prospective hosts would apply to be a host, and DOES would prioritize selection of those that will engage an intern in work experience activities, rather than work readiness activities, for the majority of an intern's time. Finally, DOES would develop benchmarks for interns' growth and development in work readiness,<sup>172</sup> and hosts would provide assessment of interns' work readiness within 30 days of the end of the internship.

A second section of the proposed subtitle would require DOES to issue annual reports on all of its year-round youth programs, disaggregated by program. This would include participant numbers; participant demographics; expenditure amounts; names of vendors, hosts, or grantees.

---

<sup>169</sup> Mykaela Marsh-Cobb, Letter to Councilmember Silverman, via email, June 11, 2020.

<sup>170</sup> Marcia Huff, Young Women's Project, Testimony to the Committee on Labor and Workforce Development, May 28, 2020, page. 4, available in Attachment C.

<sup>171</sup> DOES, "Workforce development services funded (actual or projected) by DOES workforce funding, FY19-21," June 3, 2020, p. 4, available at [https://d3n8a8pro7vhmx.cloudfront.net/silverman/pages/533/attachments/original/1591383513/DOES\\_Budget\\_Matrix\\_For\\_Discussion\\_Subject\\_to\\_Change\\_%2806-03-20%29.pdf?1591383513](https://d3n8a8pro7vhmx.cloudfront.net/silverman/pages/533/attachments/original/1591383513/DOES_Budget_Matrix_For_Discussion_Subject_to_Change_%2806-03-20%29.pdf?1591383513). Note this is a discussion draft document and does not represent final numbers. However, it is the only information the Committee has about DOES' Year-Round Youth participant numbers. According to the matrix, most in-school youth participated in "in-school youth innovation grants," which the Committee does not believe are paid internships; however, there is no information on the DOES website about the current program design.

<sup>172</sup> Such benchmarks are readily available and do not need to be completely newly created.

**c. Section-by-Section Analysis**

Sec. XX01. States the short title.

Sec. XX02. Amends 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)) to create a school year internship pilot program in FY2021.

Sec. XX03. Amends 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) by adding a new section 2083 to require DOES to issue an annual report on year-round youth programs.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XX. 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.”.

**e. Fiscal Impact Statement**

This subtitle has a fiscal impact of \$915,669 (\$887,443 in one-time funds and \$28,226 in recurring funds).

<b>Fiscal Impact of School Year Internship Pilot Program Amendment Act of 2020</b>					
	<b>FY 2021</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>Four-Year Total</b>
Program Analyst (1 FTE, Grade 12), DOES <sup>1</sup>	\$112,905	\$28,304	\$28,384	\$28,464	\$198,057
Recruitment and Case Management Staff (4 FTEs, Grade 9), DOES <sup>2</sup>	\$253,293	\$0	\$0	\$0	\$253,293
Student Wages <sup>3</sup>	\$355,245	\$0	\$0	\$0	\$355,245
Student Laptops with WiFi	\$166,000	\$0	\$0	\$0	\$166,000
<b>TOTAL</b>	<b>\$887,443</b>	<b>\$28,304</b>	<b>\$28,384</b>	<b>\$28,464</b>	<b>\$972,595</b>

<sup>1</sup>This position reduces to a 0.25 FTE position in FY 2022 since many of the staff member’s duties end with the internship pilot program in FY 2021. Though cost-of-living increases are frozen we assume fringe benefits grow by 1.5% annually.

<sup>2</sup>Positions are pro-rated for 10 months of the year, October 2020 through July 2021, since the internship program ends in June.

<sup>3</sup>Assumes the 250 interns work an average of 6 hours a week for 22 weeks. The \$10 per hour wage includes a 7.65% FICA tax.

## **5. Title X, Subtitle X, Unemployment Insurance Modernization Requirements Amendment Act of 2020**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle would set a deadline for completion of the ongoing Unemployment Insurance (UI) modernization project, a \$45 million capital project being managed by DOES. It would also ensure that during times such as the coronavirus pandemic, workers who don't have a computer and/or printer to file claims and complaints at DOES are not left out and have a mechanism to submit their applications for benefits.

### **b. Committee Reasoning**

The UI modernization project has been funded since 2012, but there has been little progress in making this critical safety net program compatible with current technology or in meeting the needs of the workers it is supposed to help. When the project is fully completed, DOES should have state-of-the-art back-end and user-facing components on both the tax collection (employer) and benefits claims and payments (worker) sides. In order to address the extreme lag in project progress, the Committee's proposed subtitle would recommend issuance of a Request for Proposals to modernize the benefits portal by October 30, 2020, and award of a contract by January 15, 2021. The Committee preferred to mandate deadlines, but DOES asserted that would carry additional costs of \$10 million. The Committee strongly disagreed with this assertion but has included targets rather than deadlines for the RFP issuance and award. The subtitle *does* mandate that DOES complete the project by September 30, 2022, the end of FY 2022 and the final year when funds must be spent on this project according to the Capital Improvement Plan.

During the first months of the coronavirus public health emergency when UI claims topped 100,000, the Committee and the public saw first-hand the serious flaws in the outdated benefits system. The system excludes large swaths of workers because the online application only functions well using Internet Explorer, a browser not supported by its manufacturer for many years. Nor is the application accessible using any kind of mobile device, including a smartphone. Furthermore, the application is not accessible in languages other than English or Spanish, a violation of the District's Language Access Act. And finally, it is not fully compliant with the Americans with Disabilities Act (ADA). (See further discussion in Chapter II.C.3 with recommendations for DOES on the UI modernization project.)

The subtitle therefore requires that the modernized benefits portal be accessible from all major internet browsers and on mobile devices; accessible to people with disabilities in compliance with the ADA; and compliant with the District's Language Access Act.

Additionally, the subtitle will require that DOES maintain hard copy application forms, instructions for filling out such forms, and a lockbox for submitting forms to DOES in a public location. The lockbox will only be available in extraordinary circumstances like

the coronavirus pandemic when libraries and the American Jobs Centers are closed and therefore applicants cannot access public computers. The forms to be provided are unemployment insurance claim applications, workers compensation applications, and agency complaint forms. The lockbox need only be available during times when the DOES headquarters is staffed by a security guard. The forms and lockbox will not need to be available when DOES is closed on weekends, holidays, or staff training days.

**c. Section-by-Section Analysis**

Sec. XX01. States the short title.

Sec. XX02. Establishes requirements for the Unemployment Insurance modernization project, including deadlines and user-facing elements.

Sec. XX03. Requires DOES to provide blank claims and complaints forms, a locked box to submit such forms, and other materials, when the headquarters is closed.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XX. 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.

**e. Fiscal Impact Statement**

This subtitle has no fiscal impact.

## **6. Title X, Subtitle X, District Government Transgender Employment Study Act of 2020**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle would amend the Comprehensive Merit Personnel Act of 1978 to require the Mayor to contract with an entity to study the employment of transgender and non-binary individuals in District agencies and District agencies' employment practices as they relate to individuals who identify as transgender or non-binary with the goal of hiring more transgender and non-binary individuals and serving as a model for other employers.

### **b. Committee Reasoning**

Studies indicate that transgender and non-binary individuals face employment discrimination, wage disparities, and workplace harassment. In fact, in 2015, the Office of Human Rights (OHR) published a report called, "Qualified and Transgender," which presented findings of a set of tests OHR conducted to understand how employers respond to resumes from applicants perceived as transgender compared with resumes of applicants perceived as cisgender.<sup>173</sup> According to their findings, 48 percent of employers appeared to prefer at least one less-qualified applicant perceived as cisgender over a more-qualified applicant perceived as transgender.

While the District government has adopted workplace and hiring policies that attempt to prevent discrimination against transgender and non-binary individuals, there is still more work to be done to ensure equal opportunity, equity in compensation, and a workplace climate free from harassment. Too often, despite having the right skills, transgender and non-binary individuals hit a brick wall of discrimination from employers and managers. As one of the biggest employers in DC, it is critical that the District do better. We can and should serve as a model for other businesses, non-profits, and organizations in the city.

While the District government has adopted workplace and hiring policies that attempt to prevent discrimination against transgender and non-binary individuals, anecdotal reports indicate that there is still more work to be done to ensure equal opportunity, equity in compensation, and a workplace climate free from harassment.

The Committee recommends including this subtitle in the FY 2021 Budget Support Act to require the Mayor to contract with an entity to study transgender and non-binary employment within District government agencies. The study will provide District agencies and the Council with a better understanding of transgender and non-binary employees' and prospective employees' experiences within District government, providing a platform to reduce discrimination, improve hiring and employment practices and outcomes, and improve workplace climate. The study will also provide a backdrop for how the District

---

<sup>173</sup> See DC Office of Human Rights, "Qualified and Transgender," November 2015, available at [https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/QualifiedAndTransgender\\_FullReport\\_1.pdf](https://ohr.dc.gov/sites/default/files/dc/sites/ohr/publication/attachments/QualifiedAndTransgender_FullReport_1.pdf).

can work with other employers to improve their hiring practices and possibly how the District can improve employment and training programs to support transgender and non-binary residents in accessing jobs.

The subtitle would require the Mayor to contract with an entity to study transgender and non-binary employment in District government agencies. The subtitle details minimum requirements for the study. These are: data on the number of transgender and non-binary employees currently employed at District government agencies, including demographic information; a review of the District government agencies' transgender and non-binary inclusion policies and an evaluation of the extent to which policies are implemented or experienced by transgender or non-binary employees; an evaluation of District agencies' recruitment, hiring, retention, and promotion practices related to prospective and current transgender and non-binary employees; an analysis of 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; an assessment of transgender or non-binary employees' workplace experiences as employees of District government agencies, including experiences of discrimination, harassment, or mistreatment on the job; an evaluation of data for transgender and non-binary participants in Department of Employment Services' job training programs; and recommendations for how agencies can improve hiring and employment practices as they relate to individuals who identify as transgender or non-binary. While many of these items may only be obtainable through surveys, they will provide a snapshot of transgender or non-binary employees currently employed with the District and an indication of their experiences as employees.

Second, the subtitle allows the entity implementing the study to use survey tools. It requires the entity to either have, or partner with another entity that has experience studying and knowledge of sexual orientation and gender identity. It also requires the entity to explain that participation in requests for information is voluntary and prohibits the entity from disclosing, or retaining beyond the course of the study, any personally identifiable information it gathers. The entity must also ensure the privacy, dignity, and confidentiality of District government employees. Finally, the entity must consult with the Office of Human Rights to develop a proposed plan of the study and on surveys to be administered and resulting recommendations. It is important that the entity have experience studying and researching questions of gender identity and working with transgender individuals in order to ensure that the entity designs the study and survey tools in a manner that affirms and shows respect toward respondents. Additionally, the confidentiality of employees is critical. Without these assurances, survey responses may be diminished. Additionally, consultation with the Office of Human Rights will help ensure that the study is respectful of all employees, consistent with the DC Human Rights Act, and not unnecessarily intrusive.

Third, the subtitle allows the Mayor to use electronic communications to facilitate the entity's outreach to District employees.

Fourth, the subtitle requires the Mayor to coordinate with the entity implementing the study to review their recommendations to ensure they comply with the DC Human Rights Act. It also requires the Mayor to review employment discrimination and workplace harassment data; provide the contractor with the information necessary to facilitate carrying out the study; and submit a report by December 31, 2021.

**c. Section-by-Section Analysis**

Sec. xx01. States the short title.

Sec. xx02. Defines terms used in the subtitle.

Sec. xx03. Requires the Mayor to contract with an entity to conduct a study to examine transgender and non-binary employment and transgender and non-binary employees' experiences within District government agencies; the study at a minimum must include data on the number of transgender and non-binary employees currently employed at District government agencies, including demographics; a review of District government agencies' transgender and non-binary inclusion policies and an evaluation of the extent to which policies are implemented or experienced by transgender or non-binary employees; an evaluation of District agencies' recruitment, hiring, retention, and promotion practices related to prospective and current transgender and non-binary employees; an analysis of 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; an assessment of transgender or non-binary employees' workplace experiences as employees of District government agencies, including experiences of discrimination, harassment, or mistreatment on the job; an evaluation of data for transgender or non-binary participants in Department of Employment Services' job training programs; and recommendations for how agencies can improve hiring and employment practices; requires the entity to 1) Have, or partner with another entity with experience studying and knowledge of sexual orientation and gender identity; 2) Include a statement indicating that participation in requests for information is voluntary in communications to employees; 3) Ensure the privacy, dignity, and confidentiality of District government employees; and 4) Consult with the Office of Human Rights on the study; prohibits the entity from disclosing, or retaining after the study is complete, personally identifiable information; allows the Mayor to use electronic communication to assist the entity completing the study; requires the Mayor to review the entity's proposal and ensure it is consistent with the DC Human Rights Act, provide the contractor with the information necessary to facilitate the study; and submit a report by December 31, 2021.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XX. 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.”.

#### **e. Fiscal Impact Statement**

This subtitle has a one-time cost of \$150,000 to allow the Mayor to contract with an entity for the study.

## **7. Title X. Subtitle X. Tipped Wage Reporting Clarification Amendment Act of 2020.**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle modifies the Tipped Wage Workers Fairness Amendment Act of 2018, Local Law 22-196, by clarifying the content of public-facing materials and establishing clear timetables for implementation. It also amends the Minimum Wage Act Revision Act of 1992 to specify the contents of quarterly reports that third-party payroll businesses and hotel employers must file with DOES when these entities employ tipped workers.

### **b. Committee Reasoning**

The proposed subtitle would modify portions of L22-196 which have not yet been fully implemented because adequate funds were not yet appropriated. The Department of Employment Services (DOES) informed the Committee in early 2020 that this lack of funding to develop the reporting portal meant that third-party payroll businesses and hotel employers that were required to submit quarterly reports to the agency had to submit those documents in hard copy. Over the last year, the Committee has been able to consider input from DOES, employers, and third-party payroll businesses and their representatives to make sure that the portal works for everyone. In light of this feedback, the Committee has clarified exactly what third-party payroll businesses and hotel employers need to submit to DOES. Previous legislative language also mischaracterized how employers and third-party payroll businesses report tip data in practice; this has been fixed. The existing legislation also provides a mechanism for third-party payroll businesses and their employer clients to separately agree which of them will be responsible for providing a tip-sharing policy to DOES. A \$500 penalty will apply to employers that fail to use a third-party payroll business to process their payroll

Another previously-unfunded provision in the law requires the Mayor to create a universal notice that employers must post to inform workers about workplace protections that apply in the District of Columbia. That provision says that an employer may post this universal notice in lieu of individual postings that are required by other minimum wage, sick leave, pregnant workers' fairness, and other laws. The language has been drafted to appeal to as many employees as possible. According to workers and their advocates, notices which too heavily rely on legal citations and jargon do little to actually inform employees of what their rights are. This subtitle specifies that simple, everyday language must be included on the poster along with the contact information for DOES so the employee can learn more. However, the current subtitle omits the Universal Paid Leave Act (UPLA) notice from the list of individual notices. This is because the UPLA poster is a key mechanism for alerting workers that the new program has been launched, particularly in early FY2021 when benefits will only have been available to workers for a few months.

Finally, certain language in the existing law references specific calendar dates (for example, April 1, 2020) which have passed. These dates have been replaced so that the mandate will be triggered according to the date that the provision is funded.

**c. Section-by-Section Analysis**

Sec. xx01. States the short title.

Sec. xx02. The law now details the content to be included on universal notice posters that employers may post in lieu of individual posters required under several separate laws, excluding the Universal Paid Leave Act.

Sec. xx03. An amendment to the Minimum Wage Act Revision Act of 1992 details the contents of quarterly employee wage reports that third-party payroll businesses and hotel employers are responsible for providing to the Mayor regarding the hours and compensation of their tipped employees. It provides a way for third-party payroll businesses and hotel employers to decide which of them will provide a tip-sharing policy to DOES. It adds a \$500 penalty for an employer that fails to use a third-party payroll business when DOES has not received quarterly wage reports from the employer's business.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE X. 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.”.

**e. Fiscal Impact Statement**

This subtitle has no fiscal impact.

## **8. Title X, Subtitle X, Universal Paid Leave Fund Amendment Act of 2020**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will restructure the funding mechanism for the administration and enforcement of the Universal Paid Leave Act (UPLA). The act created an implementation fund to capture contributions, pay out benefits, and cover administration costs, but it did not specify how enforcement should be funded. It also allowed for a certain portion of funds to be used for public education but did not tie them to the administrative costs. The Mayor's budget proposal includes some structural changes in the funding mechanism, which needs conforming changes in the authorizing law. The Committee recommends revising the statute and the proposed structural changes to clarify how administrative and enforcement funding will flow to the appropriate agencies and ensure all associated needs are funded.

### **b. Committee Reasoning**

The UPLA created a single fund, the UPL Implementation Fund (§ 32-551.01), into which contributions are deposited (§ 32-541.03) and out of which benefits are paid (§ 32-551.01). The law also authorizes spending from the Fund for public education up to 0.25 percent of the total amount in the Fund (§ 32-541.06(j)) and administrative costs up to 10 percent of the total amount in the Fund (§ 32-551.01).

In FY2020, the UPL Implementation Fund (620) was housed at DOES, the agency responsible for implementing UPLA. It had certified revenue of \$10 million in FY2020. This fund formed the basis of DOES' Office of Paid Family Leave administrative budget.

In the FY2021 proposed budget, what was the UPL Implementation Fund (620) became the UPL Administration Fund (still at DOES), with certified revenues of \$12.4 million in FY2020 and \$20.7 million in FY2021 and on through the financial plan. The proposed FY2021 budget also includes the creation of the Universal Paid Leave agency (UL0), with a single program solely for the payment of benefits.<sup>174</sup> The agency has a proposed FY2021 budget of \$271 million, which is solely through a Universal Paid Family Leave Fund.<sup>175</sup>

Current law directs employer contributions to the UPL Implementation Fund and authorizes expenditures out of the UPL Implementation Fund. Additionally, although the program is set to launch on July 1, 2020, and the regulations state that the Office of Human Rights (OHR) will enforce the anti-retaliation provisions of UPLA, the Mayor did not provide any funding to OHR for this purpose.

---

<sup>174</sup> Although the Mayor's proposed agency budget chapter states that that the agency "provides central functions necessary to execute daily activities and pays benefits," according to OCFO staff, this was a mistake and must be corrected. The Universal Paid Leave agency's funding will be used for the provision of benefits payments, while central functions will be done by DOES.

<sup>175</sup> The Fund name is corrected in this subtitle.

Therefore, the Committee recommends a subtitle to harmonize the statute with the financial structure and establish funding vehicles for both administrative and enforcement costs. It renames the Universal Paid Leave Implementation Fund as the Universal Paid Leave Fund for the deposit of contributions and the payment of benefits. The subtitle creates two special lapsing funds for the necessary expenditures:

1. The **Universal Paid Leave Administration Fund**, which will be funded with up to nine percent of revenues deposited into the main Universal Paid Leave Fund. The UPL administration fund may be utilized by OPFL for staffing and other costs necessary to implement the paid leave program. Up to 10 percent of the administration fund's money may be utilized for public education.
2. The **Universal Paid Leave Enforcement Fund**, which will be funded with up to one percent of the revenues deposited into the main Universal Paid Leave Fund. The enforcement fund may be utilized by OHR for enforcement of § 32-541.10(a) and (b), which may include outreach and education related to individuals' rights under UPLA.

The Committee notes that the current law allows up to 10 percent of all contributions collected to be used for administration, and an additional 0.25 percent for public education. The Committee's proposed subtitle maintains the 10 percent cap and includes funding for enforcement within that cap. It achieves this by subdividing the 10 percent limit such that nine percent of overall funds may be used by DOES for administration and up to one percent of overall funds may be used by OHR for enforcement. The Committee includes public education in DOES' portion and thus the 0.25 percent previously set aside for public education may be utilized for benefits payments in the future.

Finally, the UPL Fund is authorized to provide funding for the Workplace Leave Navigators Program, a new grant program established by this Committee (see Chapter IV.B.3 of this report for further information). The UPL Fund subtitle also states that at least \$500,000 of the public education portion of the administration fund shall be utilized for the Program annually.

### **c. Section-by-Section Analysis**

Sec. XX01. States the short title.

Sec. XX02. Amends Section 1151(a) of 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) to rename the Universal Paid Leave Implementation Fund as the Universal Paid Leave Fund; to add new sections 1153 and 1154 to create the Universal Paid Leave Administration Fund to be administered by DOES and the Universal Paid Leave Enforcement Fund to be administered by OHR; to establish the maximum amount of funds that may be placed into the special funds; and to authorize use of the public education funds for the Workplace Leave Navigators Program established by the Workplace Leave Navigators Amendment Act of 2020.

Sec. XX03. Amends Section 106(j)(1) of the Universal Paid Leave Act of 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.06(j)(1)) to identify the location of the paid leave public education funding.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**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.

**e. Fiscal Impact Statement**

Funds are sufficient in the Universal Paid Leave Fund to implement this subtitle.

## **9. Title X, Subtitle X, Shared Work Compensation Program Clarification Amendment Act of 2020**

### **a. Purpose, Effect, and Impact on Existing Law**

This subtitle will reform the District's Shared Work (Short Time Compensation, or STC) unemployment compensation program to conform to federal law and to follow model legislation from the U.S. Department of Labor. The Council passed this legislation on a temporary basis at the May 19, 2020, Legislative Meeting.<sup>176</sup> This subtitle will make the legislation permanent, which is necessary in order for the District to access federal grant funds available for the implementation of state shared work plans.

### **b. Committee Reasoning**

The District initially created a Shared Work unemployment compensation program in 2010 during the Great Recession.<sup>177</sup> Shared Work allows employers to reduce work hours, rather than lay off workers, and workers are able to receive prorated unemployment insurance to help make up for the lost income. This is especially important during economic downturns. However, despite it being in law, the program had never been implemented in the District before the coronavirus pandemic. In 2020, Congress passed legislation that incentivized states to create or expand Shared Work programs, and it provided full federal reimbursement for payments in 2020 and grant funds to help states expand their programs.<sup>178</sup> It is very important to the Committee that the District's Shared Work program be utilized widely. Not only does the program help avoid layoffs, but it will allow the District to reduce expenditures from the District's Unemployment Insurance Trust Fund because unemployment assistance offered through Shared Work in 2020 comprises only federal dollars.

However, states are ineligible for an STC grant under Section 2110 of the federal CARES Act if the state's STC law is subject to discontinuation. The District's current law was passed on an emergency and temporary basis and thus is subject to discontinuation. As a result, the Committee recommends passing the Shared Work amendments on a permanent basis. Without permanent legislation, the District would lose out on its share of available Shared Work Program grant funds in the amount of \$431,513.

Specifically, the subtitle provides clearer definitions of health and retirement, participating employees, and usual hours of work for the purposes of a shared work plan and redefines the shared work benefit to distinguish it from regular unemployment benefits. The amendments also explicitly denote the purpose of shared work plans to avoid layoffs and furloughs. The amendment expands the shared work application requirements to detail employee and benefit information that must be included; addressed requirements related to health benefits and retirement benefits under the defined benefit pension plans, includes additional employer requirements to protect employees potentially included under a shared

---

<sup>176</sup> B23-758, the "Coronavirus Support Temporary Amendment Act of 2020."

<sup>177</sup> Law 18-238, the "Keep D.C. Working Act of 2010."

<sup>178</sup> Public Law 116-136, the "Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020."

work plan, and incorporates language on to relaxing shared work employer requirements during a public health emergency. The subtitle provides greater flexibility to DOES and employers on determining the effective date of the shared work plans, clarifies the process and impact of modifications to a shared work plan, and the eligibility requirements and relation to the traditional able and available requirements. The subtitle more clearly articulates the maximum amount of benefits an employee on a shared work plan can receive and the experience rating impacts of the benefits paid out. The subtitle amends the definition of the weekly benefit amount to more closely tie it to traditional unemployment benefit amounts and clarifies how and when shared work plans expire or can be terminated or revoked.”

**c. Section-by-Section Analysis**

Sec. XX01. States the short title.

Sec. XX02. Amends 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.*) to

- (a) add and update definitions
- (b) update existing law concerning the application and approval process for a work share plan and program requirements
- (c) update existing law concerning the approval or disapproval of an application and employer requirements
- (d) update existing law concerning the effective date and expiration, termination, or revocation of a shared work plan
- (e) update existing law concerning plan modification
- (f) update existing law concerning employee eligibility
- (g) update existing law concerning the benefit formula.

**d. Legislative Recommendations for Committee of the Whole**

See also Attachment B to this report.

**SUBTITLE XXXX. 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.”.

**e. Fiscal Impact Statement**

This subtitle has no fiscal impact.

## V. RECOMMENDATIONS FOR LOCAL BUDGET ACT

### Recommendation for Revised Revenue Estimate

The Committee recommends the Local Budget Act include language directing excess revenues to the Workforce Investments Account in order to provide negotiated cost-of-living adjustments for members of bargaining units with executed collective bargaining agreements.

The Mayor's proposed Budget Support Act (BSA) contained a subtitle<sup>179</sup> that would eliminate all cost-of-living adjustments (COLAs) for employees across covered agencies throughout the four-year financial plan. This includes COLAs incorporated into two previously executed collective bargaining agreements (CBAs) that will be effective in FY2021 and which cover more than 10,000 public servants.<sup>180</sup> The Committee strongly opposes the nullification of CBAs, which are legally binding contracts.

The Mayor's proposed Local Budget Act (LBA) contained a provision providing that if additional revenue became available above the April 24, 2020, revenue estimate—which was used to determine the available budget as a base for the FY2021 budget formulation—then up to \$50,000,000 would be deposited into the Workforce Investments account. Such funds could be used to increase salaries or benefits; however, the LBA stated that any pay increase would be at the discretion of the Mayor and did not say that the COLAs contained in the executed CBAs would be honored.

The Committee believes that the proposed subtitle should be struck from the BSA. Unfortunately, the Committee's response is restricted by the lack of available funds within the Committee's jurisdiction. Thus, the Committee proposes alternative language that will ensure the CBAs' terms will be met should revenues become available.

As a companion to the Committee's recommended BSA subtitle, The Committee recommends that the Revised Revenue Estimate section of the LBA should be revised. The revision would require that, regardless of any other provision of law, if excess revenues become available above the April 24, 2020 revenue estimate—which forms the basis of the FY2021 proposed budget—then the revenue must be placed in the Workforce Investment

---

<sup>179</sup> Entitled the "Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020."

<sup>180</sup> The two units are Compensation Units 1 & 2 which represents over 9,000 employees and ASFCME District Council 20, Local 2921, which represents over 1,000 paraprofessionals in District public schools; see Council of the District of Columbia (2020). *PR2-0738-Compensation Collective Bargaining Agreement between the District of Columbia and Compensation Units 1 & 2, FY 2018-FY2021, Approval Resolution of 2018*, available at <https://lms.dccouncil.us/Legislation/PR22-0738> (CBA for Compensation unit 1 and 2) and Council of the District of Columbia (2020). *PR23-0676-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 Declaration Resolution of 2020*, available at <https://lms.dccouncil.us/Legislation/PR23-0676> (CBA for AFSCME Local 2921). Note that the AFSCME Local 2921 contract terms were determined by arbitration.

Account and used to meet the terms of the executed CBAs. These terms are legislated in the companion BSA subtitle, the Revenue-Contingent Cost-of-Living Adjustment Act of 2020 (see Chapter IV.A.1).

**Recommendations:**

**1. The Committee recommends revising the LBA long title as follows on page 2, beginning on line 75:**

Strike the phrase “Balanced Budget and Financial Plan Freeze on Salary Schedules, Benefits, and Cost-of-Living Adjustments Act of 2020” and insert the phrase “Revenue-Contingent Cost-of-Living Adjustment Act of 2020” in its place.

**2. The Committee recommends the LBA provision read as follows:**

**REVISED REVENUE ESTIMATE**

(a) Notwithstanding any other provision of law, the amount appropriated as local funds in this act shall be increased by the recurring amount the August 2020 or later revised revenue estimates for Fiscal Year 2021 exceed the revenue estimate of the Chief Financial Officer of the District of Columbia dated April 24, 2020, in an amount of up to \$50,000,000.

(b) The funds appropriated by this section shall be deposited in the Workforce Investment account to be expended to increase salaries or benefits in Fiscal Year 2021 as set forth in the Revenue-Contingent Cost-of-Living Adjustment Act of 2020.

## VI. COMMITTEE ACTION AND VOTE

On Wednesday, June 24, 2020, at 2:12 p.m., the Committee on Labor and Workforce Development met to consider and vote on the FY 2021 operating and capital budget for agencies under its purview, the committee's recommendations for the FY 2021 Budget Federal Portion Adoption and Request Act, the FY 2021 Budget Local Portion Adoption Act, the FY 2021 Budget Support Act, and the committee's budget report. Chairperson Elissa Silverman (At-Large) determined the presence of a quorum consisting of herself and Councilmembers Charles Allen (Ward 6), David Grosso (At-Large), Kenyan McDuffie (Ward 5), and Robert White (At-Large).

Chairperson Silverman provided an overview of the committee report and the committee's recommended changes to the Mayor's proposed FY 2021 budget. After her statement, the Chairperson asked if there was any discussion.

All committee members spoke positively of the report. Councilmember Grosso highlighted the investments in workforce development, the subtitle proposing a solution to the freeze on cost-of-living adjustments (COLAs), and investments to fully implement the Universal Paid Leave program. He noted the Committee's commitment to reimagine how the workforce development system should work. Councilmember Grosso also praised the inclusion of funding and legislation for a transgender employee study, which his office worked on with the office of Councilmember Robert White. He said it is smart to call for additional revenue to be set aside for Collective Bargaining Agreements (CBAs), and that our workers should come first. He noted that advocates have been calling on DOES to hire workplace leave navigators for years, and that enforcement of the paid leave law by the Office of Human Rights with up to one percent of the revenue is exactly what is needed.

Councilmember Allen noted the very high numbers of District workers who have applied for unemployment insurance in the last few months. He highlighted several aspects of the report: the push for completion of the long-delayed UI modernization system; the transfer of funds to the Judiciary Committee, which he chairs, toward hiring an additional theft attorney at the Office of the Attorney General; the transfer from the Judiciary Committee for the study on employment of transgender and non-binary individuals; the ongoing oversight of the paid family leave program and especially for the grant program that will help workers and businesses. Councilmember Allen also discussed the subtitle that allows for a pay raise for District government employees and thanked the Chair for including it; he noted conversation is likely to continue at the full Council level regarding the Executive's decision to freeze wages. He raised a question about first responders in relation to the subtitle and said he would like to discuss that further after the meeting. Councilmember Allen also supported the year-round youth internship program, though he was frustrated by the high administrative costs.

Councilmember White said this is a strong budget in a tough budget year, and he commended the Committee for digging into agency budgets in detail. He noted that workforce development programs are in more demand now than before and wants the Committee to make an investment in people so they can support themselves and their

families. He said that District workforce programs have come a long way, but there is always more work to do. The most important thing, he said, is to get District residents into jobs. Councilmember White highlighted the funding for CDL and IT training at the DC Infrastructure Academy, the transfer to Judiciary of funds for a wage theft attorney at OAG, and the inclusion in the BSA of the transgender study act, which Councilmember White authored.

Councilmember McDuffie also noted that FY2021 was a tough budget cycle, the toughest since he joined the Council in 2012. He appreciated the focus on job training to make sure we train workers for in-demand jobs and hold providers responsible and accountable for delivering quality training. He also highlighted the high school internship program as an important and meaningful experience. On the DCIA location, Councilmember McDuffie said he liked that there was an investment in the old Spingarn high school, but he also questioned the decision to move DCIA since there is a demonstrated need for it in its current location. He hoped that any concerns members have can be worked through. He recognized the extraordinary demands on agencies and the UI system due to the pandemic, and said we met those challenges as a city better than many other places. He noted he had some questions on the COLA subtitle and expected that it would come up again at the full Council level. Finally, he asked about some concerns raised by DOES regarding the budget and said he will want to discuss them further.

There being no further discussion, Chairperson Silverman moved for approval of the committee's FY 2021 budget report, with leave for staff to make technical, editorial, and conforming changes to reflect the committee's actions. The committee's FY 2021 budget report was approved unanimously.

Chairperson Silverman asked if there was any additional business before the committee. Hearing none, the meeting adjourned at 3:04 p.m.

## VII. ATTACHMENTS

- A. Committee Adjustments
- B. Bill 23-760, Fiscal Year 2021 Budget Support Act of 2020 Recommended Subtitles
- C. Thursday, May 28, 2020, and Thursday, June 04, 2020 Fiscal Year 2021 Budget Oversight Hearing Witness List and Testimony.

Agency Code	Agency	Fund Type	Program	Activity	Service	CSG	Proposed Change in FTEs	Resources/Budget	Adjustment	Recurring or One-Time Change	FY20	FY21	FY22	FY23	FY24	Comments	Legislation
BED	D.C. DEPARTMENT OF HUMAN RESOURCES	0100 - LOCAL FUND	4500	4520		40		Budget	Increase	One Time						Increase to fund the District Government Transgender Employment Study Act.	BSA District Government Transgender Employment Study Act subtitle
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0020		Budget	Reduction	Recurring	(\$500,000)					Reduce FY20 budget to projected spending.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0011	(1.00)	Budget	Reduction	Recurring			(\$86,921)	(\$86,921)		(\$86,921) Eliminate vacant position 90691-Nurse.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0014		Budget	Reduction	Recurring			(\$17,819)	(\$18,086)	(\$18,357)	(\$18,633) Eliminate vacant position 90691-Nurse.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0011	(1.00)	Budget	Reduction	Recurring			(\$129,411)	(\$129,411)	(\$129,411)	(\$129,411) Eliminate vacant position 94989-Provider Relations Manager.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0014		Budget	Reduction	Recurring			(\$26,529)	(\$26,927)	(\$27,331)	(\$27,741) Eliminate vacant position 95162-Supvy Wrkers Comp Claims Exam.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0011	(1.00)	Budget	Reduction	Recurring			(\$112,531)	(\$112,531)	(\$112,531)	(\$112,531) Eliminate vacant position 95162-Supvy Wrkers Comp Claims Exam.	
BGO	EMPLOYEES' COMPENSATION FUND	0100 - LOCAL FUND	0010	1000		0014		Budget	Reduction	Recurring			(\$23,069)	(\$23,415)	(\$23,766)	(\$24,123) Exam.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	1000	1030		0040		Budget	Reduction	Recurring			(\$9,190)	(\$9,351)	(\$9,514)	(\$9,681) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	1000	1040		0020		Budget	Reduction	Recurring			(\$12,650)	(\$12,871)	(\$13,097)	(\$13,326) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4200		0020		Budget	Reduction	Recurring			(\$3,013)	(\$3,066)	(\$3,119)	(\$3,174) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4200		0041		Budget	Reduction	Recurring			(\$10,000)	(\$10,175)	(\$10,353)	(\$10,534) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4250		0041		Budget	Reduction	Recurring			(\$60,012)	(\$61,062)	(\$62,131)	(\$63,218) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4300		0020		Budget	Reduction	Recurring			(\$1,318)	(\$1,341)	(\$1,365)	(\$1,388) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4500		0041		Budget	Reduction	Recurring			(\$21,131)	(\$21,501)	(\$21,877)	(\$22,260) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4510		0020		Budget	Reduction	Recurring			(\$1,814)	(\$1,846)	(\$1,878)	(\$1,911) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0041		Budget	Reduction	Recurring			(\$180,622)	(\$183,783)	(\$186,999)	(\$190,272) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4900		0040		Budget	Reduction	Recurring			(\$52,095)	(\$53,007)	(\$53,934)	(\$54,878) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	5000	5200		0020		Budget	Reduction	Recurring			(\$3,800)	(\$3,867)	(\$3,934)	(\$4,003) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	5000	5200		0040		Budget	Reduction	Recurring			(\$111,505)	(\$113,456)	(\$115,442)	(\$117,464) Reduce budget to projected spending.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	1000	1080		0011	(0.84)	Budget	Reduction	Recurring			(\$61,521)	(\$61,521)	(\$61,521)	(\$61,521) Eliminate vacant position 75065 Public Affairs Specialist.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	1000	1080		0014		Budget	Reduction	Recurring			(\$13,903)	(\$14,112)	(\$14,323)	(\$14,538) Eliminate vacant position 75065 Public Affairs Specialist	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0011	(1.00)	Budget	Reduction	Recurring			(\$112,531)	(\$112,531)	(\$112,531)	(\$112,531) Eliminate vacant position 22198 Program Manager.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0014		Budget	Reduction	Recurring			(\$25,431)	(\$25,812)	(\$26,200)	(\$26,593) Eliminate vacant position 22198 Program Manager	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0012	(4.00)	Budget	Reduction	Recurring			(\$137,756)	(\$137,756)	(\$137,756)	Eliminate vacant Workforce Development Specialist positions 24623, 36322, 36350, and 39001.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0014		Budget	Reduction	Recurring			(\$31,132)	(\$31,599)	(\$32,073)	(\$32,554) Eliminate vacant Workforce Development Specialist positions 24623, 36322, 36350, and 39001.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4820		0011	(1.00)	Budget	Reduction	Recurring			(\$66,542)	(\$66,542)	(\$66,542)	Eliminate vacant position 36304 Workforce Development Specialist.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4820		0014	(1.00)	Budget	Reduction	Recurring			(\$15,038)	(\$15,263)	(\$15,492)	Eliminate vacant position 36304 Workforce Development Specialist.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)						Resources	Revenue Proposal - Other	One Time	\$230,000					Recognize available 619-DC Jobs Trust Fund balance.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)						Resources	Revenue Proposal - Other	One Time		\$499,424				Recognize available 0612-UI Interest/Penalties Fund balance.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)						Resources	Other	Recurring		\$750,000	\$763,125	\$776,480	\$790,068	Recognize additional Universal Paid Leave fund balance for the 0620-Universal Paid Leave Administration Fund.	
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	6000	6200		0050		Budget	Increase	Recurring		\$750,000	\$763,125	\$776,480	\$790,068	Increase to fund the Workplace Leave Navigators Program.	BSA Workplace Leave Navigators subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0011	0.25	Budget	Increase	Recurring		\$23,023	\$23,023	\$23,023	\$23,023	Add a Program Analyst (grade 12) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0014		Budget	Increase	Recurring		\$5,203	\$5,281	\$5,360	\$5,441	Add a Program Analyst (grade 12) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	4000	4810		0012	0.75	Budget	Increase	One Time		\$92,093				Add a Program Analyst (grade 12) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	4000	4810		0014		Budget	Increase	One Time		\$20,812				Add a Program Analyst (grade 12) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	4000	4810		0012	4.00	Budget	Increase	One Time		\$206,603				Add recruitment and case management staff (grade 9) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	4000	4810		0014		Budget	Increase	One Time		\$46,690				Add recruitment and case management staff (grade 9) for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS (O'TYPE)	4000	4810		0050		Budget	Increase	One Time		\$133,226				Add student wages for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0050		Budget	Increase	One Time		\$222,198				Add student wages for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4810		0040		Budget	Increase	One Time		\$166,000				Add student laptops with wifi for the School Year Internship Pilot Program.	BSA School Year Internship Pilot Program subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4260		0011	1.00	Budget	Increase	Recurring		\$105,221	\$105,221	\$105,221	\$105,221	Add Program Analyst for DC Infrastructure Academy subtitle.	BSA Infrastructure Academy subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4260		0014		Budget	Increase	Recurring		\$23,779	\$24,136	\$24,498	\$24,865	Add Program Analyst for DC Infrastructure Academy subtitle.	BSA Infrastructure Academy subtitle
CFD	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4260		0050		Budget	Increase	One Time		\$296,000				Increase for CDL training.	

Agency Code	Agency	Fund Type	Program	Activity	Service	CSG	Proposed Change in FTEs	Resources/ Budget	Adjustment	Recurring or One-Time Change	FY20	FY21	FY22	FY23	FY24	Comments	Legislation	
CF0	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4300		0050		Budget	Reduction	Recurring			(\$50,000)	(\$50,875)	(\$51,765)	(\$52,671)		
CF0	DEPARTMENT OF EMPLOYMENT SERVICES	0600 - SPECIAL PURPOSE REVENUE FUNDS ('O' TYPE)						Resources	Non-local Fund Balance Sweep	One Time	(\$230,000)					Sweep 0619-DC Jobs Trust Fund and increase local fund balance.	Supplemental	
CF0	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND						Resources	Increase local fund balance	One Time	\$230,000					Sweep 0619-DC Jobs Trust Fund and increase local fund balance.	Supplemental	
CF0	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	4000	4260		0040		Budget	Increase	Recurring			\$300,000	\$305,250	\$310,592	\$316,027	Increase for IT training.	
CF0	DEPARTMENT OF EMPLOYMENT SERVICES	0100 - LOCAL FUND	3000	3200		0040		Budget	Increase	One Time			\$100,000			Fund portion of 822-913 Tipped Wage Worker Fairness Amendment Act; to conduct a public education campaign on tipped workers' wage and hour rights.	822-913 Tipped Wage Worker Fairness Amendment Ac	
CG0	PUBLIC EMPLOYEE RELATIONS BOARD	0100 - LOCAL FUND				0011		Budget	Reduction	One Time	(\$45,124)					Reduce budget to projected spending.		
CG0	PUBLIC EMPLOYEE RELATIONS BOARD	0100 - LOCAL FUND				0014		Budget	Reduction	One Time	(\$8,976)					Reduce budget to projected spending.		
GW01	DEPUTY MAYOR FOR EDUCATION	0100 - LOCAL FUND	3000	3012		0050		Budget	Increase	One Time			\$559,625	\$569,418	\$579,383	\$589,523	Increase for healthcare sector partnerships.	BSA Healthcare Sector Partnerships subtitle
GW01	DEPUTY MAYOR FOR EDUCATION	0100 - LOCAL FUND	3000	3012		0011	1.00	Budget	Increase	Recurring			\$108,170	\$108,170	\$108,170	\$108,170	Increase for healthcare sector partnerships.	BSA Healthcare Sector Partnerships subtitle
GW01	DEPUTY MAYOR FOR EDUCATION	0100 - LOCAL FUND	3000	3012		0014		Budget	Increase	Recurring			\$21,830	\$22,158	\$22,490	\$22,827	Increase for healthcare sector partnerships.	BSA Healthcare Sector Partnerships subtitle
GW01	DEPUTY MAYOR FOR EDUCATION	0100 - LOCAL FUND	3000	3012		0040		Budget	Increase	One Time			\$100,000			Career Pathways Innovation Fund enhancement.		
UL0	UNIVERSAL PAID LEAVE	0620 - ENTERPRISE AND OTHER FUNDS						Resources	Transfer out	Recurring			(\$1,853,227)	(\$1,868,832)	(\$1,884,703)	(\$1,900,842)	Transfer Universal Paid Leave funding to Committee on Government Operations for a new OHR Universal Paid Leave Enforcement Fund.	
UL0	UNIVERSAL PAID LEAVE	0620 - ENTERPRISE AND OTHER FUNDS						Resources	Other	Recurring			\$1,853,227	\$1,868,832	\$1,884,703	\$1,900,842	Recognize available Universal Paid Leave fund balance.	
UL0	UNIVERSAL PAID LEAVE	0620 - ENTERPRISE AND OTHER FUNDS						Resources	Other	Recurring			\$750,000	\$763,125	\$776,480	\$790,068	Recognize available Universal Paid Leave fund balance.	
UL0	UNIVERSAL PAID LEAVE	0620 - ENTERPRISE AND OTHER FUNDS						Resources	Transfer out	Recurring			(\$750,000)	(\$763,125)	(\$776,480)	(\$790,068)	Transfer Universal Paid Leave funding to DOES SPR Fund	
		0100 - LOCAL FUND						Resources	Transfer in	One Time			\$150,000			\$150,000	0620-Universal Paid Leave Administration Fund.	
		0100 - LOCAL FUND						Resources	Transfer out	Recurring			(\$127,000)	(\$127,287)	(\$127,578)	(\$127,873)	Transfer from the Committee on the Judiciary and Public Safety to fund the District Government Transgender Employment Study Act.	
																Transfer to the Committee on the Judiciary and Public Safety for a Wage Theft Attorney.		

1 **ATTACHMENT B. BUDGET SUPPORT ACT SUBTITLES LEGISLATIVE TEXT**

2  
3 **SUBTITLE C. FREEZE ON PAY INCREASES AND BENEFITS**

4 Sec. 1031. Short title.

5 This subtitle may be cited as the “Revenue-Contingent Cost-of-Living Adjustment Act of  
6 2020”.

7 Sec. 1032. Definitions.

8 For the purposes of this subtitle, the term:

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

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

19 (3) “Negotiated salary schedule” means a salary schedule specified in a collective  
20 bargaining agreement.

21 (4) “Negotiated salary, wage, and benefits provision” means the salary and  
22 benefits provided in a collective bargaining agreement.

23 (5) "Personnel authority" shall have the same meaning as set forth in section  
24 301(14) of the CMPA, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code  
25 § 1-601.01(14)).

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

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

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

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

45 (b) To the extent authorized by the CMPA or other applicable law to issue rules to  
46 administer the salary or benefits program of a covered agency, the personnel authority for a  
47 covered agency may, pursuant to Title I of the District of Columbia Administrative Procedure  
48 Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), issue rules  
49 to implement this subtitle.

50 Sec. 1034. Revised revenue contingency.

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

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

68 personnel authority shall negotiate with the affected bargaining units to determine the schedule  
69 of payment.

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

75 Sec. 1035. Applicability.

76 This subtitle shall apply as of July 31, 2020.

77

78           **SUBTITLE \_\_\_\_. HEALTHCARE WORKFORCE PARTNERSHIP**

79           Sec. 1XX1. Short title.

80           This subtitle may be cited as the “Healthcare Workforce Partnership Establishment Act of  
81 2020”.

82           Sec. 1XX2. Definitions

83           (1) “HWI grant” means the grant awarded to the Intermediary pursuant to section 3.

84           (2) “Intermediary” means the entity selected to be the Healthcare Workforce  
85 Intermediary pursuant to section 3.

86           (3) “Partnership” means the Healthcare Workforce Partnership established pursuant to  
87 section 5.

88           (4) “Training” means occupational skills training for occupations in the healthcare sector.

89           (5) “WIOA” means the Workforce Innovation Opportunity Act, approved July 22, 2014  
90 (128 Stat. 1425; 29 U.S.C. 3101 *et seq.*).

91           (6) “WIC” means the Workforce Investment Council.

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

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

96                       (2) Consistent with Grant Administration Act of 2013, effective December 24,  
97 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), the WIC shall issue multi-year  
98 grants for a period of 4 years, subject to the availability of funds.

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

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

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

104 (3) Have existing relationships with training providers; and

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

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

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

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

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

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

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

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

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

122 Sec. 1XX4. Intermediary duties.

123 The Intermediary shall:

124 (1) By July 1, 2021:

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

127 (B) Convene at least 4 Partnership meetings;

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

130 (2) For the duration of the grant:

131 (A) Provide administrative support to the Partnership;

132 (B) Convene Partnership meetings at least quarterly;

133 (C) Compile and transmit to the WIC feedback from the Partnership on  
134 any statement of work for a proposed grant solicitation for the provision of training no more than  
135 15 days after receiving the statement of work pursuant to section 1XX3(d)(2);

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

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

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

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

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

149 Sec. 1XX5. Healthcare Workforce Partnership.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

202 (b) To provide training, the WIC may:

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

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

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

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

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

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

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

217 (i) Completion of training;

218 (ii) Credential attainment;

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

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

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

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

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

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

231 Sec. 1XX7. Monitoring and evaluation.

232 By August 1, 2021, and annually thereafter, the WIC shall transmit to the Mayor and the  
233 Council the Healthcare Occupation Report developed by the Partnership pursuant to section  
234 1XX5(e).

235

236

237           **SUBTITLE \_\_\_\_. DC INFRASTRUCTURE ACADEMY EMPLOYER**

238   **ENGAGEMENT**

239           Sec. 1XX1. Short title.

240           This subtitle may be cited as the “DC Infrastructure Academy Employer Engagement  
241 Amendment Act of 2020”.

242           Sec. 1XX2. The Youth Employment Act of 1979, effective January 5, 1980 (D.C. Law 3-  
243 46; D.C. Official Code § 32-241 *et seq.*), is amended as follows:

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

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

246                           “(1A) “Committees” means the Industry Advisory Committees established  
247 pursuant to section 2f.”.

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

249                           “(2A) “DCIA” means the DC Infrastructure Academy established by the Mayor.”.

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

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

252                   “Sec. 2e. DC Infrastructure Academy.

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

254                           “(1)(A) Provide occupational skills training (“skills training”) annually in the  
255 construction, infrastructure, and information technology industries.

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

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

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

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

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

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

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

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

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

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

281                                   “(b) DCIA skills training may include:

282 “(1) Training services enumerated in section 134(c)(3)(D) of the Workforce  
283 Innovation and Opportunity Act of, approved July 22, 2014 (128 Stat. 1529; 29 U.S.C. §  
284 3174(c)(3)(D));

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

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

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

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

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

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

295 “(A) At least 75% of the provider’s participants receive an industry-  
296 recognized credential; and

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

299 “Sec. 2f. Industry Advisory Committees.

300 “(a)(1) The Director shall establish Industry Advisory Committees (“Committees”) to  
301 advise DCIA on occupational skills training offerings with the goal of aligning DCIA’s trainings  
302 with industry hiring needs.

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

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

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

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

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

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

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

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

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

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

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

331                   “(c) After receiving a proposed training curriculum from the DCIA pursuant to section  
332 2e(a)(2)(B)(i), a Committee shall provide the DCIA with a written explanation of recommended  
333 modifications, if any.

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

337

338           **SUBTITLE \_\_\_\_. WORKPLACE LEAVE NAVIGATORS**

339           Sec. 1XX1. Short title.

340           This subtitle may be cited as the “Workplace Leave Navigators Program Establishment  
341 Amendment Act of 2020”.

342           Sec. 1XX2. Definitions.

343           For the purposes of this subtitle, the term:

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

347                   (2) “Director” means the director of DOES.

348                   (3) “DOES” means the Department of Employment Services.

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

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

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

358           Sec. 1XX3. Workplace Leave Navigators Program.

359           (a) There is established a Workplace Leave Navigators Program (“Program”), which the  
360 Director shall administer.

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

365 (c) The Program shall provide funds to:

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

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

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

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

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

382 (1) Shall be used to assist individuals with:

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

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

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

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

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

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

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

397 (g)(1) The Director shall issue Program funds through competitive grants administered  
398 pursuant to the requirements set forth in the Grant Administration Act of 2013, effective  
399 December 24, 2013 (D.C. Law 20-61; D.C. Official Code § 1-328.11 *et seq.*), and section 2(b-1)  
400 of the Workforce Job Development Grant-Making Authority Act of 2012, effective April 23,  
401 2013 (D.C. Law 19-269; D.C. Official Code § 1-328.05(b-1)).

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

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

408

409

410           **SUBTITLE \_\_. SCHOOL YEAR INTERNSHIP PILOT PROGRAM AND YOUTH**  
411 **REPORTING**

412           Section 1XX1. Short title.

413           This subtitle may be cited as the “School Year Internship Pilot Program Amendment Act  
414 of 2020”.

415           Section 1XX2. Section 2a(a) of the Youth Employment Act of 1979, effective January 5,  
416 1980 (D.C. Law 3-46; D.C. Official Code § 32-242(a)), is amended by adding a new paragraph  
417 (2A) to read as follows:

418           “(2A) School year internship pilot. — In Fiscal Year 2021, a pilot program called the  
419 School Year Internship Pilot Program (“Program”) for 250 District high school students to  
420 provide work-based learning opportunities during the school year.

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

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

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

430   “(I) Homeless;

431   “(II) In the District’s foster care system;

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

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

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

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

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

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

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

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

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

455                           “(G)(i) DOES shall develop benchmarks for interns’ growth and  
456 development in work readiness, which internship hosts shall utilize to assess an intern’s work  
457 readiness.

458                           “(ii) An internship host shall provide its written assessment of an  
459 intern’s work readiness to DOES within 30 days after the end of the internship.”.

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

463           “Sec. 2083. Department of Employment Services annual report on year-round youth  
464 programs.

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

468                           “(1) The In-School Youth Program;

469                           “(2) The Out-of-School Youth Program;

470                           “(3) The Marion Barry Youth Leadership Institute;

471                           “(4) Pathways for Young Adults Program;

472                           “(5) Youth Earn and Learn Program;

473                           “(6) The High School Internship Program;

474                           “(7) In-school Youth Innovation Grants; and

475                           “(8) In-school DCHR internship program.

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

478                   “(1) The number of participants newly enrolled;

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

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

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

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

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

493                   “(1) Homeless;

494                   “(2) In the District’s foster care system;

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

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

499

500 **SUBTITLE \_\_\_\_. UNEMPLOYMENT INSURANCE MODERNIZATION**  
501 **REQUIREMENTS**

502 Sec. 1XX1. Short title.

503 This subtitle may be cited as the “Unemployment Insurance Modernization Requirements  
504 Act of 2020”.

505 Sec. 1XX2. Unemployment insurance modernization requirements.

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

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

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

512 (2) Is accessible to people with disabilities in compliance with section 504 of the  
513 Rehabilitation Act of 1973, approved September 26, 1973 (87 Stat. 394; 29 U.S.C. 794), and title  
514 II of the Americans with Disabilities Act, approved July 26, 1990 (104 Stat. 337; 42 U.S.C.  
515 12131 *et seq.*); and

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

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

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

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

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

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

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

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

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

538  
539

540           **SUBTITLE \_\_\_\_. DISTRICT GOVERNMENT TRANSGENDER AND NON-**  
541 **BINARY EMPLOYMENT STUDY**

542           Sec. XXX. Short title.

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

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

548           “TITLE VII-B GENDER IDENTITY STUDY

549           “Sec. 760. Definitions.

550           “For the purposes of this title, the term:

551                   “(1) “Cisgender” means individuals whose sex assigned at birth matches the  
552 individual’s perceived gender.

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

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

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

560           “Sec. 761. Study of transgender and non-binary employment.

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

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

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

572                   “(3) An evaluation of District government agencies’ actual recruitment, hiring,  
573 retention, and promotion practices related to prospective and current transgender and non-binary  
574 employees;

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

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

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

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

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

587 “(c) The contractor completing the study shall:

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

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

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

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

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

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

600 “(e) The Mayor shall:

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

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

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

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

612

613

614           **SUBTITLE \_\_\_\_. TIPPED WAGE WORKERS FAIRNESS CLARIFICATION**  
615 **AMENDMENT ACT OF 2020.**

616           Sec. XX01. This subtitle may be cited as the “Tipped Workers Fairness Clarification  
617 Amendment Act of 2020”.

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

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

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

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

625                           (B) Subparagraph (F) is repealed.

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

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

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

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

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

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

- 636                   • To be paid at least the minimum wage;

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

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

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

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

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

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

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

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

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

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

666 "(i) Name;

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

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

670 "(iv) Gross wages received per week; and

671 "(v) Total gratuities received per week.

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

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

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

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

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

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

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

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

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

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

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

702

703

704  
705

706           **SUBTITLE \_\_\_\_. UNIVERSAL PAID LEAVE FUND**

707           Sec. 1XX1. This subtitle may be cited as the “Universal Paid Leave Fund Amendment  
708 Act of 2020.”

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

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

712           “Sec. 1151a. Definitions.

713           “For the purposes of this subtitle, the term “Act” means the Universal Paid Leave Act of  
714 2016, effective April 7, 2017 (D.C. Law 21-264; D.C. Official Code § 32-541.01 *et seq.*).”.

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

716                   (1) The section heading is amended by striking the word “Implementation”.

717                   (2) Subsection (a) is amended by striking the word “Implementation”.

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

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

722                   “(2) In a fiscal year:

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

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

729 shall be deposited in the Universal Paid Leave Enforcement Fund, established pursuant to section  
730 1154.”.

731 (4) Subsection (f) is amended by striking the period and inserting the phrase “and  
732 the Workplace Leave Navigators Program established pursuant to the Workplace Leave  
733 Navigators Program Establishment Amendment Act of 2020, passed on 1st reading on July 7,  
734 2020 (Bill 23-760).” in its place.

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

736 “Sec. 1153. Universal Paid Leave Administration Fund.

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

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

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

743 “(1) Administration of the Act; and

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

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

751 “Sec. 1154. Universal Paid Leave Enforcement Fund.

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

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

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

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

762           Sec. 1XX3. Conforming amendments.

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

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

766                   (1) Paragraph (10)(A) is amended by striking the word “Implementation”.

767                   (2) Paragraph (21) is amended by striking the phrase “Implementation Fund”

768 means the Uniform Paid Leave Implementation Fund” and inserting the phrase “Fund” means

769 the Uniform Paid Leave Fund” in its place.

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

771                   (1) The section heading is amended by striking the word “Implementation”.

772                   (2) Subsection (a) is amended by striking the word “Implementation”.

773                   (3) Subsection (b) is amended by striking the word “Implementation”.

774                   (4) Subsection (c) is amended by striking the word “Implementation”.

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

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

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

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

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

782 (e) Section 106(j)(1) (D.C. Official Code § 32-541.06(j)(1)) is amended to read as follows:  
783 “(j)(1) The Mayor shall conduct a public-education campaign, which shall be paid for out  
784 of the Universal Paid Leave Administration Fund, pursuant to section 1153(c)(2) of the  
785 Universal Paid Leave Implementation Fund Act of 2016, passed on 1st reading on July 7, 2020  
786 (Bill 23-760), to inform individuals of the benefits provided for in this act.”.

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

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

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

791

792

793 **SUBTITLE \_\_\_\_ . SHARED WORK COMPENSATION PROGRAM**

794 Sec. XXX. Shared work compensation program clarification.

795 Sec. 1XX1. Short title.

796 This subtitle may be cited as the “Shared Work Compensation Program Clarification  
797 Amendment Act of 2020”.

798 Sec. 1XX2. The Keep D.C. Working Act of 2010, effective October 15, 2010 (D.C. Law  
799 18-238; D.C. Official Code § 51-171 *et seq.*), is amended as follows:

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

801 (1) Paragraph (4) is repealed.

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

803 “(4A) “Health and retirement benefits” means employer-provided health benefits,  
804 and retirement benefits under a defined benefit plan, as defined in section 414(j) of the Internal  
805 Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(j)), or  
806 contributions under a defined contribution plan, as defined in section 414(i) of the Internal  
807 Revenue Code of 1986, approved September 2, 1974 (88 Stat. 925; 26 U.S.C. § 414(i)), which  
808 are incidents of employment in addition to the cash remuneration earned.

809 “(4B) “Participating employee” means an employee who voluntarily agrees to  
810 participate in an employer’s shared work plan.”.

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

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

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

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

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

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

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

825                   “Sec. 4. Employer participation in the shared work unemployment compensation  
826 program.

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

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

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

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

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

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

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

840                           “(D) The employer’s unemployment tax account number, and

841                           “(E) Any other information required by the Director to identify  
842 participating employees;

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

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

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

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

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

873           “(6) Agree to:

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

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

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

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

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

885                   “(8) State the duration of the proposed shared work plan, which shall not exceed  
886 365 days from the effective date established pursuant to section 6;

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

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

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

894                   “Sec. 5. Approval and disapproval of a shared work plan.

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

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

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

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

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

906                   “(2) Has filed all reports required to be filed under the employment security law

907 for all past and current periods, and:

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

909                   “(B) If the employer is a reimbursing employer, has made all payments in

910 lieu of contributions due for all past and current periods.

911                   “(c) Except as provided in subsection (d) of this section, the Director may not approve a

912 shared work plan:

913                   “(1) To provide payments to an employee if the employee is employed by the

914 participating employer on a seasonal, temporary, or intermittent basis;

915                   “(2) If the employer's unemployment insurance account has a negative

916 unemployment experience rating;

917                   “(3) If the employer's unemployment insurance account is taxed at the maximum

918 tax rate in effect for the calendar year;

919                   “(4) For employers who have not qualified to have a tax rate assigned based on

920 actual experience; or

921                   “(5) For employees who are receiving or who will receive supplemental

922 unemployment benefits, as that term is defined in section 501(c)(17)(D) of the Internal Revenue

923 Code of 1986, approved August 16, 1954 (68A Stat. 163; 26 U.S.C. § 501(c)(17)(D)), during any

924 period a shared work plan is in effect.

925                   “(d) During the effective period of a shared work plan entered into during a public health

926 emergency, subsection (c) of this section shall not apply. During a public health emergency, the

927 Director may not approve a shared work plan:

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

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

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

937                   “(e) For the purposes of this section, the term “public health emergency” means the  
938 public health emergency declared in the Mayor’s order dated March 11, 2020, and any  
939 extensions thereof.”.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

973 “Sec. 7. Modification of a shared work plan.

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

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

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

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

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

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

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

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

996           “Sec. 8. Employee eligibility for shared work benefits.

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

1000                   “(1) With respect to the week for which shared work benefits are claimed, the  
1001 participating employee was covered by a shared work plan that was approved prior to that week;

1002                   “(2) Notwithstanding any other provision of the employment security law relating  
1003 to availability for work and actively seeking work, the participating employee was available for  
1004 the individual’s usual hours of work with the shared work employer, which may include  
1005 availability to participate in training to enhance job skills approved by the Director, such as  
1006 employer-sponsored training or training funded under the Workforce Innovation and Opportunity  
1007 Act, approved July 22, 2014 (128 Stat. 1425; 29 U.S.C. § 3101 *et seq.*); and

1008                   “(3) Notwithstanding any other provision of law, a participating employee is  
1009 deemed unemployed for the purposes of determining eligibility to receive unemployment  
1010 compensation benefits in any week during the duration of such plan if the individual’s  
1011 remuneration as an employee in an affected unit is reduced under the terms of the plan.

1012           “(b) A participating employee may be eligible for shared work benefits or unemployment  
1013 compensation, as appropriate, except that no participating employee may be eligible for  
1014 combined benefits in any benefit year in an amount more than the maximum entitlement  
1015 established for regular unemployment compensation; nor shall a participating employee be paid  
1016 shared work benefits for more than 52 weeks under a shared work plan or in an amount more  
1017 than the equivalent of the maximum of 26 weeks of regular unemployment compensation.

1018           “(c) The shared work benefit paid to a participating employee shall be deducted from the  
1019 maximum entitlement amount of regular unemployment compensation established for that  
1020 individual's benefit year.

1021           “(d) Provisions applicable to unemployment compensation claimants under the  
1022 employment security law shall apply to participating employees to the extent that they are not  
1023 inconsistent with this act. A participating employee who files an initial claim for shared work  
1024 benefits shall receive a monetary determination of whether the individual is eligible to receive  
1025 benefits.

1026           “(e) A participating employee who has received all of the shared work benefits or  
1027 combined unemployment compensation and shared work benefits available in a benefit year shall  
1028 be considered an exhaustee, as defined in section 7(g)(1)(H) of the District of Columbia  
1029 Unemployment Compensation Act, approved August 28, 1935 (49 Stat. 949; D.C. Official Code  
1030 § 51–107(g)(1)(H)) (“Act”), for purposes of eligibility to receive extended benefits pursuant to  
1031 section 7(g) of the Act (D.C. Official Code § 51–107(g)), and, if otherwise eligible under that  
1032 section, shall be eligible to receive extended benefits.

1033           “(f) Shared work benefits shall be charged to employers’ experience rating accounts in  
1034 the same manner as unemployment compensation is charged under the employment security law,  
1035 unless waived by federal or District law. Employers liable for payments in lieu of contributions  
1036 shall have shared work benefits attributed to service in their employ in the same manner as  
1037 unemployment compensation is attributed, unless waived by federal or District law.”.

1038           (g) Section 9 (D.C. Official Code § 51-178) is amended as follows:

1039                   (1) Subsection (a) is amended to read as follows:

1040           “(a)(1) Except as provided in paragraph (2) of this subsection, the weekly benefit for a  
1041 participating employee shall be the product of the regular weekly unemployment compensation  
1042 amount for a week of total unemployment multiplied by the percentage of reduction in the  
1043 participating employee’s usual weekly hours of work.

1044           “(2) The shared work benefit for a participating employee who performs work for  
1045 another employer during weeks covered by a shared work plan shall be calculated as follows:

1046                   “(A) If the combined hours of work in a week for both employers results  
1047 in a reduction of less than 10% of the usual weekly hours of work the participating employee  
1048 works for the shared work employer, the participating employee is not eligible for shared work  
1049 benefits;

1050                   “(B) If the combined hours of work for both employers results in a  
1051 reduction equal to or greater than 10% of the usual weekly hours worked for the shared work  
1052 employer, the shared work benefit payable to the participating employee is determined by  
1053 multiplying the weekly unemployment benefit amount for a week of total unemployment by the  
1054 percentage by which the combined hours of work have been reduced. A week for which benefits  
1055 are paid under this subparagraph shall be reported as a week of shared work benefits.

1056                   “(C) If an individual worked the reduced percentage of the usual weekly  
1057 hours of work for the shared work employer and is available for all the participating employee’s  
1058 usual hours of work with the shared work employer, and the participating employee did not work  
1059 any hours for the other employer, either because of the lack of work with that employer or  
1060 because the participating employee is excused from work with the other employer, the  
1061 participating employee shall be eligible for the full value of the shared work benefit for that  
1062 week.”.

1063 (2) Subsection (b) is repealed

1064 (3) New subsections (c) and (d) are added to read as follows:

1065 “(c) A participating employee who is not provided any work during a week by the shared  
1066 work employer or any other employer and who is otherwise eligible for unemployment  
1067 compensation shall be eligible for the amount of regular unemployment compensation to which  
1068 the individual would otherwise be eligible.

1069 “(d) A participating employee who is not provided any work by the shared work  
1070 employer during a week, but who works for another employer and is otherwise eligible for  
1071 unemployment compensation may be paid unemployment compensation for that week subject to  
1072 the disqualifying income provision and other provisions applicable to claims for regular  
1073 unemployment compensation.”.

1074

1075

1076

**COUNCIL OF THE DISTRICT OF COLUMBIA  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
BUDGET OVERSIGHT HEARING:  
DRAFT AGENDA AND WITNESS LIST**  
1350 Pennsylvania Avenue, NW, Washington, DC 20004

---

**CHAIRPERSON ELISSA SILVERMAN  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

**ANNOUNCES A BUDGET OVERSIGHT HEARING ON**

**Agencies under the Committee's purview**

**Thursday, May 28, 2020, 9am  
Via Webex**

**(Link and instructions shared with witnesses who signed up in advance)**

**AGENDA AND WITNESS LIST**

- I. CALL TO ORDER**
- II. OPENING REMARKS**
- III. BUDGET OVERSIGHT HEARING**

**Panel 1**

- 1. Nicole Dooley, Senior Staff Attorney, Public Benefits Law Unit, Legal Aid Society of the District of Columbia
- 2. John Boardman, Executive Secretary Treasurer, UNITE HERE Local 25
- 3. Nikko Bilitza, Organizer, DC Jobs with Justice
- 4. Doni Crawford, Policy Analyst, DC Fiscal Policy Institute

**Panel 2**

- 5. Justin Palmer, Vice President, Public Policy & External Affairs, District of Columbia Hospital Association
- 6. Elizabeth Lindsey, Chief Executive Officer, Byte Back Inc.
- 7. Leicester Johnson, Chief Executive Officer, Academy of Hope Adult Public Charter School
- 8. Marcia Huff, Deputy Director, Young Women's Project

**Panel 3**

- 9. Laura Brown, Executive Director, First Shift Justice Project
- 10. Joanna Blotner, Campaign Manager, DC Paid leave, Jews United for Justice
- 11. Kimberly Perry, Executive Director, DC Action for Children
- 12. Evette Banfield, VP, Economic Development Policy, CNHED

Panel 4

13. Elizabeth A. Davis, President, Washington Teachers' Union
14. Wala Blegay, Staff Attorney, District of Columbia Nurses Association
15. Nathan Luecking, School Social Worker and Member of 1199 SEIU

Panel 5

16. Trupti Patel, Commissioner, ANC 2A and Restaurant Worker
17. Venorica Tucker, Restaurant Worker and Local 23 Shop Steward
18. Antonia [last name withheld], Member, National Domestic Workers Alliance (*via translation from Alexa Malishchak*)

Panel 6

19. Alexia Jones, Workforce Development Program Job Developer, Collaborative Solutions for Communities
20. Tyler Brown, Executive Director, Hire One LLC

**IV. ADJOURNMENT**

**Joint Testimony of the Claimant Advocacy Program, First Shift Justice Project, Legal Aid Society of the District of Columbia, Neighborhood Legal Services Program, Public Justice Advocacy Clinic at the George Washington University Law School, and Whitman-Walker Health**

**Before the Committee on Labor & Workforce Development  
Council of the District of Columbia**

**Public Oversight Hearing Regarding the Budget of the Department of Employment Services**

**May 28, 2020**

The Claimant Advocacy Program,<sup>1</sup> First Shift Justice Project,<sup>2</sup> Legal Aid Society of the District of Columbia,<sup>3</sup> Neighborhood Legal Services Program,<sup>4</sup> Public Justice Advocacy Clinic at the George Washington University Law School,<sup>5</sup> and Whitman-Walker Health<sup>6</sup> submit the following

---

<sup>1</sup> The Claimant Advocacy Program (CAP) is a free legal counseling service available to individuals who file unemployment compensation appeals in the District of Columbia. CAP provides legal advice and/or representation to 50-60 claimants each month. CAP is a program of the Metropolitan Washington Council AFL-CIO, which works with over 200 affiliated union locals and religious, student, and political allies to improve the lives of workers and families throughout the greater metro Washington area. For more information, visit <http://www.dclabor.org/unemployment-help.html> or <http://www.dclabor.org/>.

<sup>2</sup> First Shift Justice Project is a D.C. based organization founded in 2014 with a mission to help working mothers in low wage jobs assert their workplace rights to prevent job loss.

<sup>3</sup> The Legal Aid Society of the District of Columbia was formed in 1932 to “provide legal aid and counsel to indigent persons in civil law matters and to encourage measures by which the law may better protect and serve their needs.” Legal Aid is the oldest and largest general civil legal services program in the District of Columbia. Over the last 88 years, Legal Aid staff and volunteers have been making justice real – in individual and systemic ways – for tens of thousands of persons living in poverty in the District. The largest part of our work is comprised of individual representation in housing, domestic violence/family, public benefits, and consumer law. We also work on immigration law matters and help individuals with the collateral consequences of their involvement with the criminal justice system. From the experiences of our clients, we identify opportunities for court and law reform, public policy advocacy, and systemic litigation. More information about Legal Aid can be obtained from our website, [www.LegalAidDC.org](http://www.LegalAidDC.org), and our blog, [www.MakingJusticeReal.org](http://www.MakingJusticeReal.org).

<sup>4</sup> Neighborhood Legal Services Program (NLSP) is a non-profit law firm that has provided free legal information, advice and representation to low-income DC residents on civil matters for 56 years. NLSP assists in the areas of housing, economic security, and family law. The work of the economic security unit specifically consists of advocacy regarding public benefits, unemployment compensation, barriers to employment, and consumer law. NLSP thanks Councilmember Elissa Silverman for the invitation to submit comments for this hearing.

<sup>5</sup> This civil litigation clinic focuses on employment law, particularly wage and hour and unemployment compensation cases. Students represent low-income clients or non-profit groups in the U.S. District Court for the District of Columbia, D.C. Superior Court, D.C. Court of Appeals, and in administrative courts.

joint testimony regarding the Department of Employment Services (DOES) Office of Unemployment Compensation.

Since the beginning of the COVID-19 public emergency in the District, an unprecedented and alarming number of DC workers have applied for unemployment benefits through DOES. As of May 19, DC had received over 100,000 claims for unemployment.<sup>7</sup> There is currently an immense need for workers to be able to submit applications for unemployment benefits and begin receiving benefits quickly. With businesses shut and families staying at home, these benefits are often the only source of income for many to pay rent, buy food, and purchase other necessities. We appreciate the extensive efforts that must be taken by DOES staff and leadership to process this extraordinary number of claims.

Significant flaws in the system, however, prevent a large number of DC workers from accessing these critical benefits, and we encourage the Council to ensure that DOES receives the resources it needs to remedy these flaws quickly. In particular, there needs to be more ways to apply for unemployment benefits, the existing applications need to be updated to make sure that everyone who should be eligible can complete the application, and language access to the applications and other DOES resources need to be expanded. Limitations across these areas create significant hurdles in accessing unemployment benefits for some of the most vulnerable workers - those without access to computers or the internet, those with limited English skills, and those who do not have the time, resources, or technical knowledge to navigate DOES's outdated, overburdened system. Those without internet access can call DOES to apply for standard unemployment benefits (although there is currently no call option for the temporary program created for those who are not eligible for standard unemployment) but, as discussed below, calling in is fraught with delays, dropped calls, and misinformation. We ask the Council to help DOES address the following issues to make sure the system is working as it should to provide this necessary lifeline for DC workers and families.

### **(1) DOES Must Address Technology and Access Issues with Standard Unemployment Compensation**

As part of DC's stay-at-home order, DOES's American Jobs Centers are closed until at least June 8, 2020,<sup>8</sup> leaving claimants fewer points of entry for applying for unemployment benefits.

---

<sup>6</sup> The mission of Whitman-Walker Health is to offer affirming community-based health and wellness services to all with a special expertise in LGBTQ and HIV care.

<sup>7</sup> <https://coronavirus.dc.gov/page/unemployment-data>.

<sup>8</sup> See <https://coronavirus.dc.gov/page/stay-home>.

Claimants can either apply online at [dcnetworks.org](http://dcnetworks.org), or over the phone at 202-724-7000, but face the possibility of significant issues and delays through both methods.

### Applying Online

DOES is encouraging applicants to apply online,<sup>9</sup> and have received thousands of applications through [dcnetworks.org](http://dcnetworks.org). However, we have heard from numerous applicants about a variety of errors and technical issues preventing them from completing their applications online. For instance, many have received the following error message: “Your information has been received. Due to the extremely high volume of claims currently being filed, we ask that you please resubmit your request on the next business day after 1:00 PM EST. If your claim still does not process, then please contact us.” Following the instructions provided and trying again the next day after 1:00 often leads to the same message. DOES even recommends filing online between 8:00 p.m. and 7:00 a.m., to ensure “faster processing times.”<sup>10</sup>

Other DC workers eligible for unemployment benefits do not have the technology necessary to apply online. The website is optimized for Internet Explorer,<sup>11</sup> a browser that was discontinued in 2016.<sup>12</sup> Applicants without computers or internet access cannot apply online, and those without access to Internet Explorer are left trying to apply on other browsers, running a higher risk of being unable to complete the applications.

### Applying over the Phone

Claimants who cannot apply online are left with trying to apply over the phone. Since the start of the public emergency, claimants applying by phone have often encountered long wait times or have been unable to get through. Clients who have reached out to our organizations for help in applying report repeatedly trying to reach DOES by phone, but never being able to get through. Others report waiting hours on the phone, only to never be connected to DOES. Many DC workers have family responsibilities and do not have the time to wait for hours on the phone to reach DOES, or to try calling repeatedly; others have limited resources and may not be able to afford the number of cell phone minutes required to wait for hours on the phone.

A group of George Washington University law students reported these same frustrations during a week-long research project conducted May 11 through 15 in which they attempted to complete calls to the DOES hotline for the following options: to file a new claim, file a weekly

---

<sup>9</sup> See

[https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/How%20to%20File%20UI\\_v2%5B1%5D.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/How%20to%20File%20UI_v2%5B1%5D.pdf).

<sup>10</sup> <https://does.optimumui.com/#!/login>.

<sup>11</sup> <https://does.dcnetworks.org/initialclaims/?Lang=en-US>.

<sup>12</sup> <https://www.microsoft.com/en-us/microsoft-365/windows/end-of-ie-support>.

claim, speak to a representative about information regarding filing a claim, hear general information about the unemployment program, hear information about an existing claim, and leave a message.

The students called the DOES hotline a total of 643 times, with a call connection rate of only 20 percent. The other 80 percent of calls were failed calls and resulted in either immediate disconnections or a busy message (“All lines are currently busy. Please call back later.”) followed by a prompt disconnection. Calls made in the morning were least likely to successfully connect. Out of 219 total calls made between 9 AM and 12 PM, approximately 9 percent successfully connected.

When the call connected to the automated system, students reported confusing and repetitive dial options. Selecting one dial option often resulted in looping back to the previous menu of options. Students also reported frequent disconnections at various stages of their calls.

In addition, students reported long wait times before reaching a DOES call center representative. In fact, one student reported waiting on hold for 2 hours and 24 minutes before successfully reaching a representative. Almost 30% of students who reached a DOES agent were placed on hold for more than 90 minutes. Students also left a total of 9 voicemails. None of the students received a call back within the promised 72 hours. Please see related infographics included in the Appendix.

In order to improve accessibility to the application for standard unemployment benefits, DOES should expand the capacity of both the online application and the call center. DOES should hire substantially more representatives and should provide a callback option, which would save the caller’s place in the queue until a representative is ready without requiring the caller to wait on hold. DOES should also add additional methods to apply for benefits, like creating a mail-in option, a drop-off option at designated drop boxes, or a smartphone app.

## **(2) DOES Must Address Language Access Issues with Standard Unemployment Compensation**

The difficulties in applying for standard unemployment benefits are compounded for claimants who need to apply in a language other than English. The District’s Language Access Act of 2004 (DCLAA) requires District agencies to assess the need for and offer oral language services, as well as provide written translation of vital documents, in any non-English language spoken by a limited-English-proficient or non-English-proficient population that constitutes 3% or 500 individuals (whichever is less) of the population served or encountered or likely to be served or

encountered by the agency. These non-English languages covered by the DCLAA are Amharic, Chinese (Mandarin), French, Korean, Spanish, and Vietnamese.

Despite the requirements of the Act, the online application for standard unemployment benefits is only available in English and Spanish. Claimants who speak languages other than Spanish or English must call the DOES hotline and have reported having to wait on hold for hours for a DOES employee to call an interpreter.

Furthermore, the instructional information that accompanies the Spanish online application is not all provided in Spanish. For example, at [does.dcnetworks.org](https://does.dcnetworks.org), after switching to the Spanish page, the sections on the extra unemployment benefits provided by the CARES Act and the benefits calculator are all in English.

DOES must ensure that the application for standard unemployment benefits is accessible in every language covered by the DC Language Access Act.

### **(3) DOES Must Address Technology and Access Issues with Pandemic Unemployment Assistance**

In April, DOES rolled out its application for Pandemic Unemployment Assistance (PUA), an essential source of funds for workers who are shut out of the standard unemployment program. This temporary program provides weekly unemployment benefits for workers who are not eligible for standard UI, like independent contractors, gig workers, people who are self-employed, and people who cannot work because they are caring for children who are not in school due to COVID-19 closures. We encourage the Council to ensure that DOES expand access to Pandemic Unemployment Assistance, which is currently limited in the following ways.

#### Availability of the Application

**The application for PUA is only available online.<sup>13</sup> Unlike the standard UI application, there is no alternate means of applying, like by phone. This vastly limits the accessibility of PUA. It means that anyone without a computer or internet access, or who lacks the technological know-how to navigate an online application, is unable to apply.**

DOES should quickly add additional ways to apply for PUA, as for the standard unemployment program. There should be an option to apply by phone, and DOES should also consider adding a mail-in, drop-off, and/or smartphone app option.

---

<sup>13</sup> <https://dcdoes.force.com/PUAForm/s/>.

## The Application Process

The application process itself creates hurdles for applicants. First, In order to apply for PUA, you must first apply for standard UI, and potentially face all of the delays and issues described above.

In addition, the very first question on the application for PUA will disqualify applicants who may be eligible for PUA. It asks whether a claimant has worked in DC between January 2019 and the present, and does not let the applicant complete the application if they say no. However, even claimants who did not work in DC during that time may still qualify for PUA. For example, applicants who did not previously have a job, but had a job offer rescinded due to COVID-19, could be eligible for PUA. As DOES provides in its PUA FAQ, someone could be eligible if they “were scheduled to commence employment and do not have a job or are unable to reach [their] job as a direct result of the COVID-19 public health emergency.”<sup>14</sup>

DOES needs to change the application itself so that applicants who know they will not be eligible for standard unemployment do not have to go through the step of applying for standard unemployment before applying for PUA. DOES should also affirmatively screen DC workers who have applied for standard unemployment and been denied and contact those who may be eligible for PUA. Additionally, DOES should update the PUA application so that it does not reject applicants who may be eligible for PUA, but have not worked in DC in 2019 or the first part of 2020.

## Supporting Documentation

The PUA application requires claimants to upload documents that show their recent income and that show that they lost a job or income due to COVID-19. However, the list of documents that DOES provided that they will accept to show recent income or COVID-related loss of job or income is incomplete.

In DOES’s “Tips for Documenting and Estimating Quarterly Wages,”<sup>15</sup> it provides that DOES will accept as proof of income: a worker’s 2019 tax return (or if 2018 tax return if 2019 hasn’t been filed yet); W-2s; 1099s; bank statements; screenshots or generated reports, like balance sheets, from accounting software; signed contracts with payment amounts; earnings summaries from gig companies (Uber, Lyft, TaskRabbit, Airbnb); paystubs; or “any other proof of income.” Even though the guidance provides that the list is not exhaustive, it does not include any examples that would help workers with less formal jobs -- workers who are often lower-income and less technologically savvy -- prove their income. DOES should share widely that it will accept

---

<sup>14</sup> [https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/DOES\\_PUA\\_FAQs.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/DOES_PUA_FAQs.pdf).

<sup>15</sup> <https://dcdoes.force.com/PUAForm/resource/1587694093000/TipsAndExamples>.

documentation such as self-affidavits or declarations, letters from customers or employers, and other methods of proving income for workers who may not have the more formal examples listed in the DOES guidance.

Similarly, the DOES guidance's examples for proof of loss of income due to COVID-19 are: "email exchanges (with dates) documenting postponed start dates, cancelled commitments, reduced hours, or rescinded offer letters; notification of school closing; email from employer or government requiring you to quarantine; signed contracts with payment amounts that were canceled."<sup>16</sup> There should be more examples provided for workers who do not have email accounts, those who engaged in verbal contracts for work, and others who engaged in less formal work. This again could include documentation like self-affidavits or declarations and letters from customers or employers.

### Post-Application Issues

Workers are encountering additional hurdles after submitting their initial applications for PUA. Once an initial application is submitted, there is no clear process for providing updates to or receiving updates from DOES. For example, workers who find additional documentation showing their recent income after submitting their PUA application should be clearly informed of a way to upload documents after the fact. DOES should broadly distribute clear directions and contact information, including a hotline and email address, for workers to be able to follow up on their PUA applications. Similarly, DOES should broadly advertise the process they will be using to communicate with applicants about the status of their application, including whether applicants should expect to receive monetary determinations in the mail describing eligibility decisions or issues, as are provided to applicants for standard unemployment compensation.

DOES must also provide more instruction on how PUA claimants should submit their weekly claim cards. Workers must submit claim cards for each week that they wish to receive PUA benefits. The PUA application provides instructions for uploading claim cards for past weeks as part of the initial application, and instructions on how to fill out claim cards once a PUA application is approved, but not for how workers should submit claim cards while their application is pending. DOES should broadly distribute to workers the process for submitting claim cards while they are waiting for their PUA application to be processed.

The claim cards themselves, which appear to be the same for PUA and standard UI, need to include all of the circumstances under which someone would be eligible for either standard UI or PUA. They currently do not include enough questions to allow workers to report enough information to DOES to determine whether they continue to be eligible for benefits, creating

---

<sup>16</sup> <https://dcdoes.force.com/PUAForm/resource/1587694093000/TipsAndExamples>.

confusion for workers and additional work for DOES claims examiners when workers fill out the cards incorrectly. In particular, the claim card available through claimants' online accounts have a drop-down menu available for workers to choose a COVID-19-related reason for eligibility for unemployment benefits, but the list omits an important reason: a reduction in business due to COVID-19. Many rideshare drivers and others are applying for unemployment because although their businesses haven't technically "closed," business is so slow that they cannot make enough money to survive.

#### **(4) DOES Must Address Language Access Issues with Pandemic Unemployment Assistance**

In addition to only being available online, the application for PUA is only available in English. There is no alternate means of applying, like by phone, for claimants with limited English proficiency. Like the standard unemployment application, the PUA should be available in all languages covered by the DC Language Access Act.

#### **(5) DOES Must Address Language Access Issues for COVID-19-Related Materials**

DOES has a number of resources on its website for claimants<sup>17</sup> providing helpful information to DC workers like a flyer on how to file for unemployment benefits, FAQs on the new federal unemployment programs created in response to the COVID-19 crisis, a Coronavirus FAQ, and a Quick Guide on accessing unemployment benefits. The materials are also available in Spanish, with a link to the Spanish page from the English page.<sup>18</sup> However, most do not appear to be currently available in the other languages covered by the DC Language Access Act. The DOES homepage provides only general information about the services it offers in Amharic, Chinese, French, Korean, and Vietnamese rather than the fuller information provided in English and Spanish. In addition, the DOES Home Page offers assistance via chat with a virtual agent, but this feature is available only in English. All resources should be translated in a timely fashion into the languages required by the DC Language Access Act.

### **Conclusion**

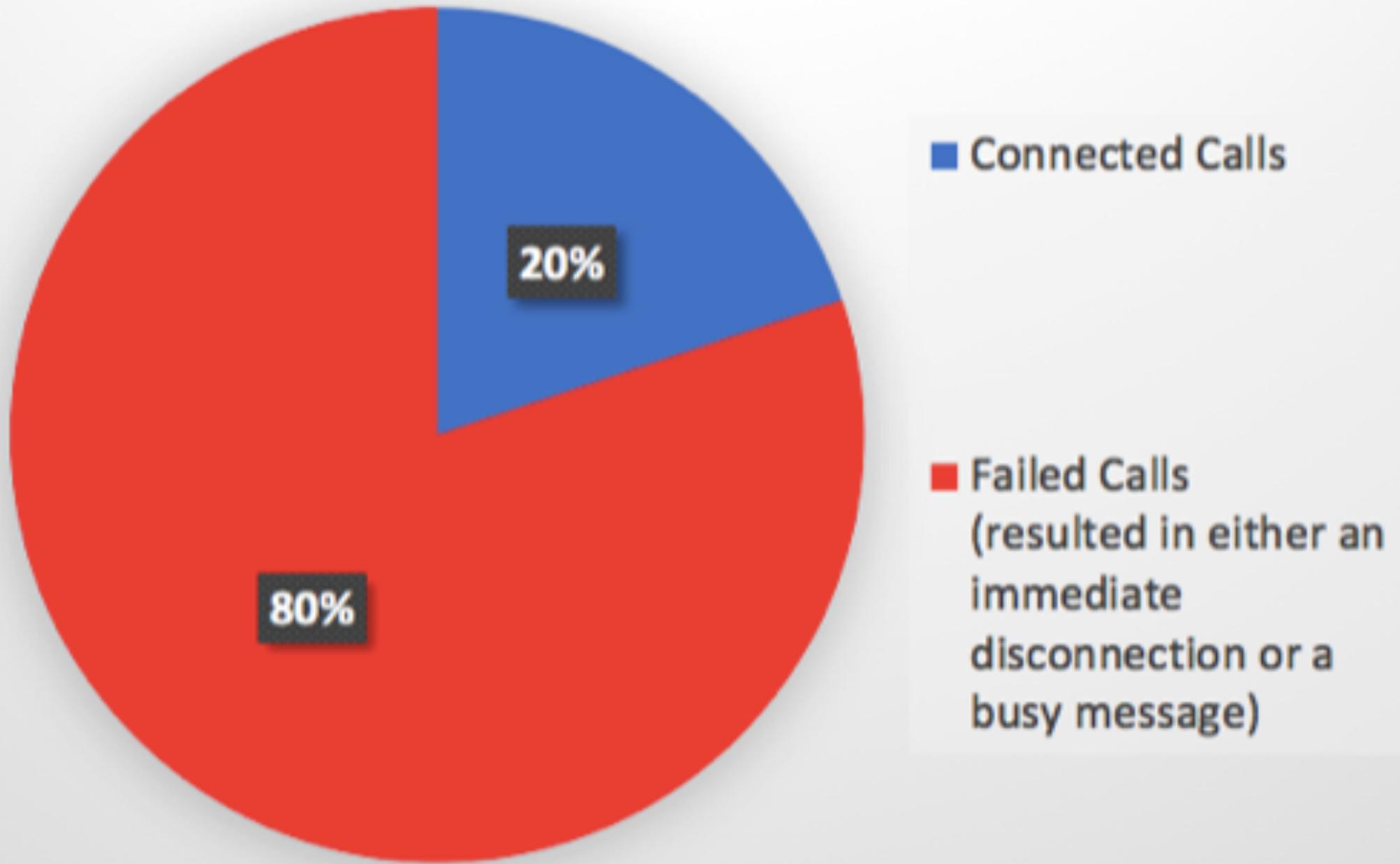
We thank the Committee for the opportunity to submit this joint testimony. We urge the Committee to ensure that DOES is provided with the resources required to expand timely access to unemployment compensation for all who qualify, and we look forward to working with the Committee and DOES to address these issues.

---

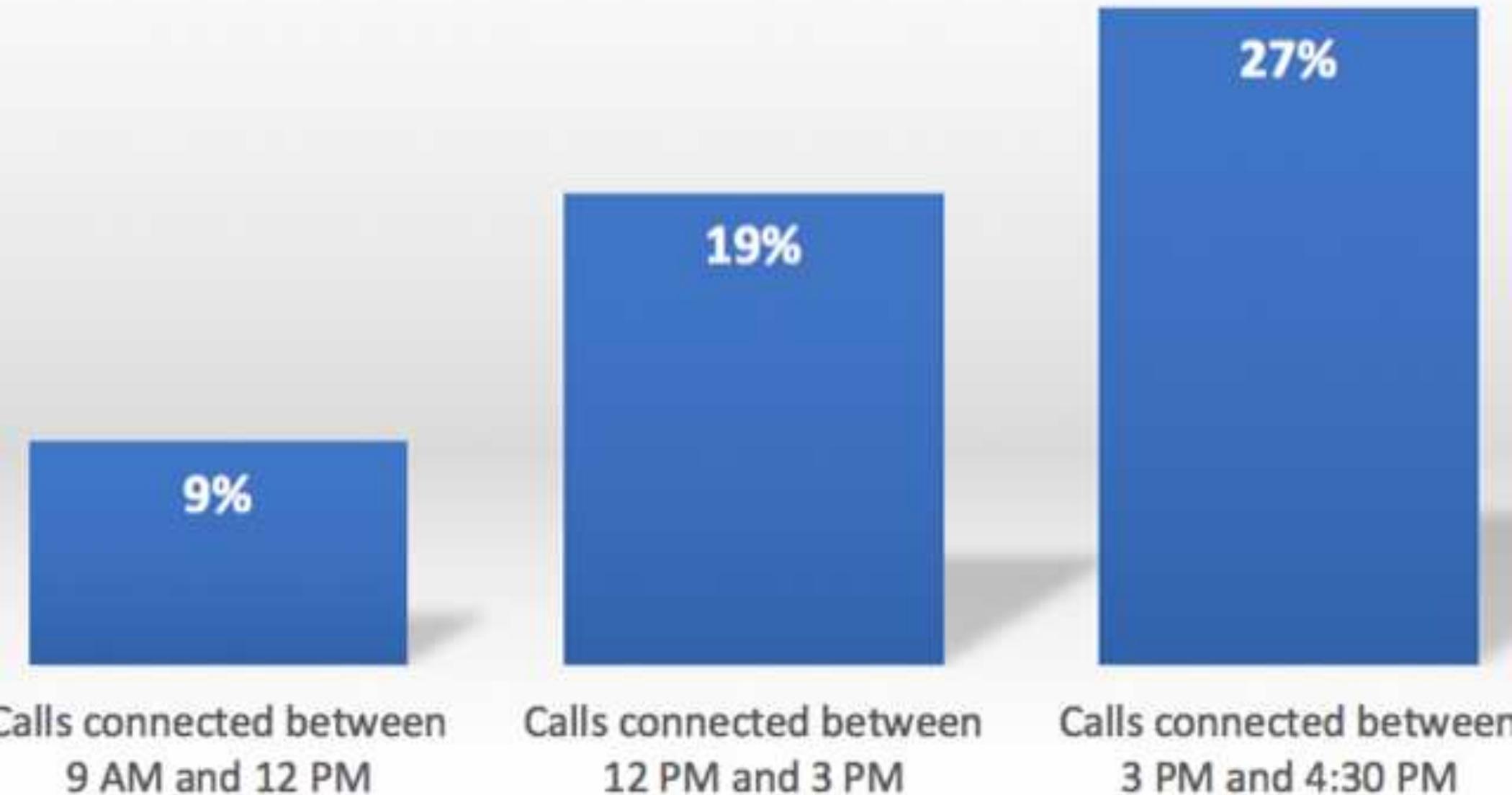
<sup>17</sup> <https://does.dc.gov/page/ui-benefits-claimants>.

<sup>18</sup> <https://es.does.dc.gov/>.

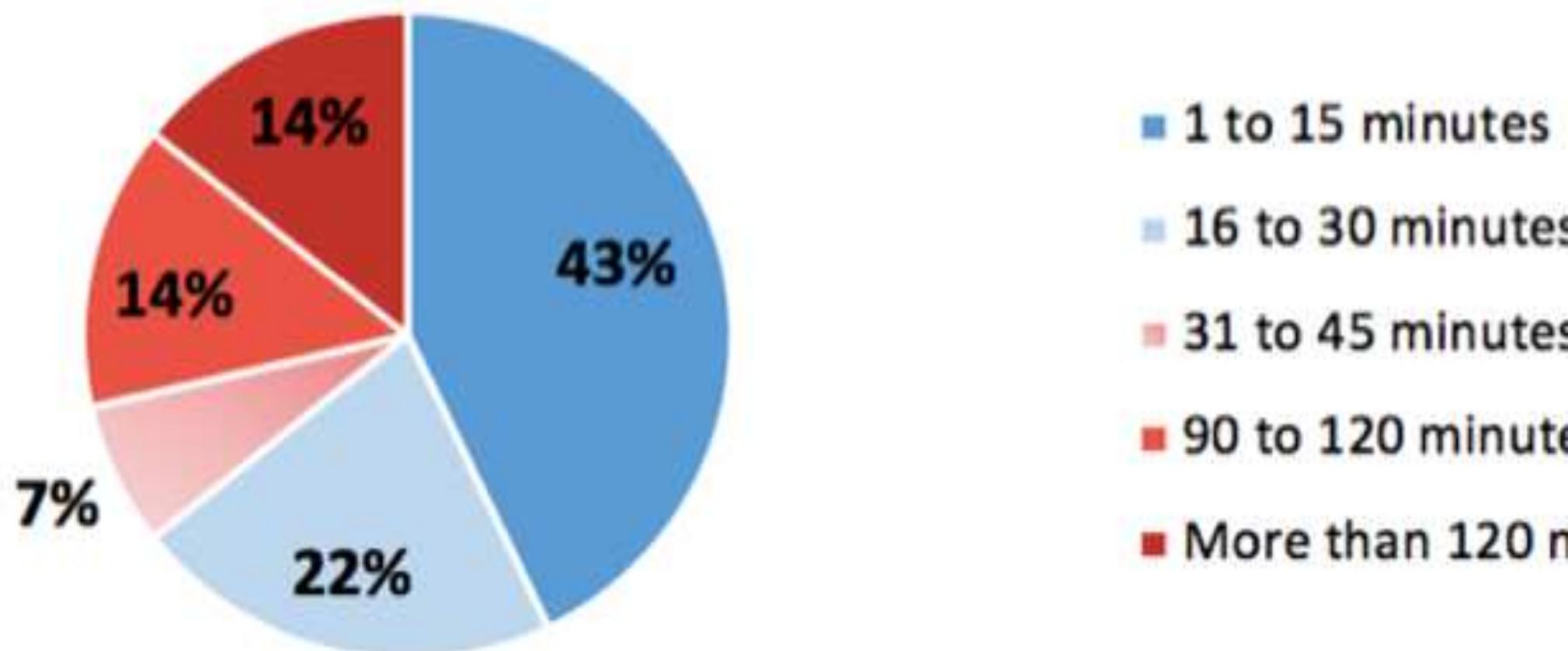
# Total Call Connection Rate\*



# DOES Hotline Call Connections Based on Time of Day

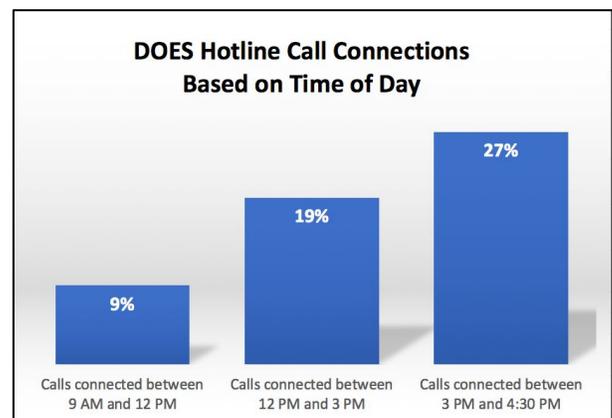
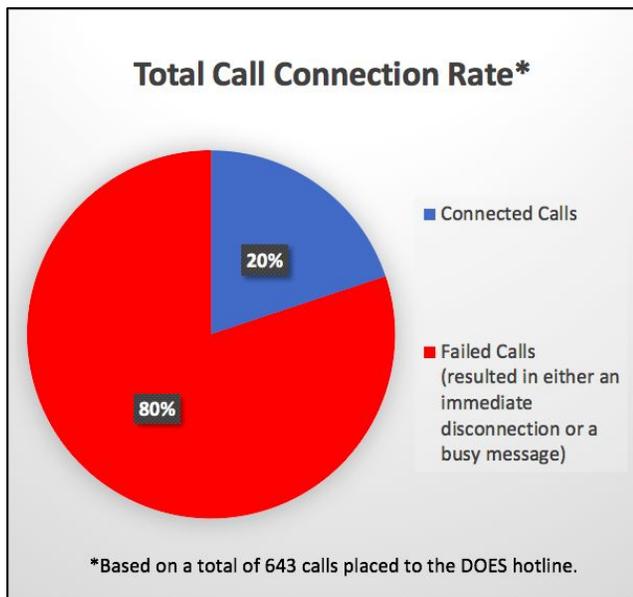


# Number of Minutes Placed "On Hold" For Callers who Successfully Connected with a DOES Agent

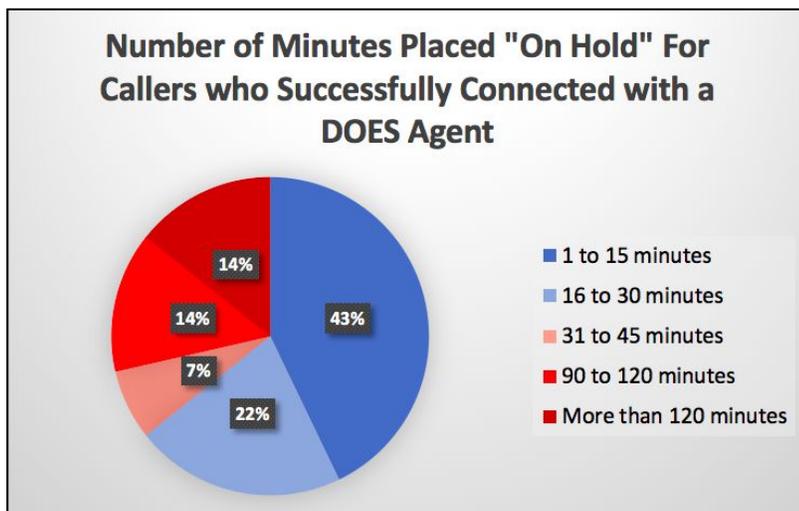


# Findings from Calling DOES Hotline

A group of George Washington University Law Students called the DOES hotline Monday, May 11 through Friday, May 15 in three shifts each day: from 9:00 AM to 12:00 PM, 12:00 PM to 3:00 PM, and 3:00 PM to 5:00 PM. Students were directed to attempt to complete six calls during each shift and document their experience. Half of the students were directed to follow the English language prompts when connected to the call, and the other half the Spanish language prompts.



Calls placed between 9 AM and 12 PM were less likely to connect to the DOES hotline than calls placed in the afternoon or evening.



Students who were placed on hold but were not successfully connected to a DOES agent waited an average of 42 minutes before the call disconnected or the student hung up.

## Notable Observations:

- Calling experiences between students who followed the English prompts and those who followed the Spanish prompts were comparable.
- Students observed that the "busy message" is only in English, and gives no guidance about how to seek information online.
- Several students reported being disconnected after reaching a DOES agent because of technical and audio issues at the call center.
- A student received after-business hours message despite calling within business hours.
- Students frequently reported disconnections at various stages of the calling process.

Testimony of John Boardman  
Executive Secretary-Treasurer, UNITE HERE Local 25

CHAIRPERSON ELISSA SILVERMAN AND THE COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT  
BUGDET OVERSIGHT  
Thursday, May 28, 2020, 9AM  
Online Via Webex

Good morning Councilmember Silverman, members of the committee, and thank you for holding this hearing. My name is John Boardman, and I am the head of UNITE HERE Local 25. I'm here representing 7,200 hospitality workers in the DC region. The first and most important thing for you to know is that about 98% of our membership is currently laid off. Many of our members are in dire, frightening financial circumstances because of the economic fallout from COVID-19. Working people in this city are hurting, scared, and struggling. We need a budget that, that first and foremost, meets their basic needs.

The Mayor's budget, in many respects, is helpful. It by and large avoided cuts to major programs on which our members rely, and overall was less austere than we feared. But this is a time when working people in this city are under indescribable pressure. There are a few areas, over which this committee has oversight, where this budget could go farther in easing it.

The first relates to the DOES hiring freeze. While prior to the pandemic, many of our members had jobs that paid middle-class wages and guaranteed them healthcare, most of them increasingly rely on government services like Unemployment Insurance (UI). The individuals we have been in conversation with over at UI have been doing incredible work to make sure our members, and countless others, get paid. But it's no secret that our UI system as a whole is already struggling to cope with the huge volumes of weekly claims coming in, not to mention longstanding issues with language access.

This budget should make their jobs easier, not harder. We're concerned that a hiring freeze that affects critical programs like UI, or, for that matter, any personnel who handle healthcare initiatives, will impede the city's ability to deliver critical services to those who need them. While some observers have noted that this budget makes few cuts to services themselves, we know firsthand that services only exist by the grace of the people who staff them. Those workers deserve support, and may not be able to keep up with demand given their current staffing levels.

On that topic, one of the most challenging components of the proposed budget was the freeze on cost-of-living raises for public sector workers. Without getting into the weeds, I think it's important to note that these workers – the majority of whom are women of color -- are literally saving lives every day, and deserve to have a voice in their future. The city should not impose unilateral cuts on their pay or benefits; these issues must be resolved in the context of negotiations, which did not appear to have taken place when the budget was released.

I want to end by thanking the committee, the staff over at DOES, and many of my fellow panelists for the tremendous efforts you are exerting to keep District residents safe and afloat. Your work is invaluable. Thank you and I am happy to answer any questions.

Committee on Labor and Workforce Development  
Elissa Silverman, Chair  
Department of Employment Services  
Performance Oversight Hearing  
Thursday, May 28, 2020  
Testimony of Nikko Bilitza, Organizer, DC Jobs With Justice

Chairperson Silverman, members of the Committee, thank you for the opportunity to testify. My name is Nikko Bilitza and I am an organizer with DC Jobs with Justice (DC JWJ). DC JWJ is a 70 plus member coalition made up of labor, community, and faith-based organizations. Together, we are dedicated to protecting and advancing the rights of working people and supporting community struggles to build a more just society. We also convene the Just Pay Coalition, a coalition of organizations working together to end wage theft and hold DOES accountable to its obligation to workers and vulnerable communities.

I would like to briefly raise four issues that we see as crucial to resolving in order to center the safety and wellbeing of DC's workers as we reopen. As we experience the immediate and longer ranging effects of the pandemic, we recognize that DOES and other programs operated by DC government are critical to the stability of DC families. We must be ambitious and strategic when deciding who pays in this moment and who needs investment now more than ever.

#### Access to Unemployment Insurance

Unemployment benefits are a key component to ensuring the wellbeing of our communities during and after the pandemic and we must ensure that all workers can access it. Currently DOES only offers the online claims portal in English and Spanish. Furthermore the Pandemic Unemployment Assistance online claims portal is only available in English. To make matters worse, workers that can't access UI or PUA due the lack of language access must attempt to apply for benefits on the phone, which in practice means waiting for hours or being unable to get through on clogged lines. The result of poor language access at DOES is fewer resources in the hands of DC's immigrant workers. DOES must take action to ensure UI is accessible to all communities.

#### Misclassification

Gig companies are hurting DC's ability to recover from the crisis by not paying into any state-or federal-level UI program. These funds are needed to recoup the benefits paid during the pandemic and maintain a strong fund that can serve all workers in years to come. Gig companies like ride hailing giants Uber and Lyft must foot the bill for badly-needed benefits for their workers. As a first step we recommend that DC hold companies responsible for unpaid unemployment insurance taxes. States across the country, including both New Jersey (in 2019) and California (in 2020), have accordingly taken legal action to recoup the hundreds of millions of dollars in unpaid taxes. D.C. should take similar enforcement measures against companies that shirk basic tax obligations. To ensure DC has the full set of tools available to do so, DC should adopt the "ABC test" for all industries, the strongest mechanism to determine

employment status. D.C.'s current "ABC test," which helps to prevent workplace fraud, (Code § 32-1331.04) only applies to the construction industry. By simply removing one line from this law that stipulates the application of the test for only the construction services industry we can make clear that gig-based companies are employers. This change is needed so DC can continue to provide gig workers with UI benefits and more accurately calculate the benefits to which they are entitled. DC Jobs with Justice is currently working to identify data that would provide a more complete picture about the revenue DC is currently losing due to misclassification in the gig economy.

#### Expanding sick days

Recent federal legislation enacted paid sick days for many workers across the US. However these new rights are not extended to workers who work for employers with more than 500 employees. This is unacceptable. As we reopen the District we must ensure that all workers' and their families' health will be respected and protected. We call on the Mayor Bowser and the Council to pass local legislation to expand the right to 2 weeks of paid sick leave to cover workers who work for any size employer. Furthermore, we also call for large employers to take on the cost of paying for these basic safeguards. We also would like to see expanded enforcement of our pre-existing local sick leave law. Given the \$500,000 of paid leave funds transferred to paid sick leave enforcement we ask the committee to require the agency to submit a work plan for review detailing how that money will be spent.

#### Paid leave

During a time of increased threats to workers' health and wellbeing it is crucial that DOES move ahead with the full and on time implementation of paid family leave. We reject business lobbyists' calls for the delay or dismantling of the program. DC can not safely reopen unless all workers have the ability to take time off to be cared for in the event of a serious illness like COVID-19.

#### Public Employees

The Mayor's budget includes a number of wise choices for how to balance the budget. However, the decision to unilaterally "set aside" the Collective Bargaining Agreements of all public sector workers and eliminate cost of living increases is not one of them.<sup>1</sup> These workers are implementing the programs DC residents critically need. The strategy of cutting public sector wages for the next four years is not a harmless one, it is one that has disproportionate racial impacts on DC workers. Black Americans and women disproportionately make up public employees nationwide and Black women in the public sector earned 25 percent more than Black women in the workforce as a whole. We encourage you to reconsider this strategy.

#### Excluded workers

The budget also fails to recognize that there are thousands in our city who continue to be cut off from financial assistance. DC must make cash assistance available to the tens of thousands of

---

<sup>1</sup> As described by Rashad Young at the Mayor's press briefing regarding the budget

immigrants and/or workers in the cash economy who have been locked out of UI because they can't prove immigration status or previous income.

Thank you for allowing me to testify today. I would be happy to answer any questions.



Letter to ReOpen D.C.

## **Recoup Unpaid Unemployment Insurance Taxes and Limit Workplace Fraud**

In response to the global pandemic and shelter-in-place orders, unprecedented numbers of D.C. workers are applying for unemployment insurance and putting pressure on an already overburdened public assistance program. Rather than participating in the country's recovery, gig companies such as Uber and Lyft – whose workers have seen incomes fall dramatically – continue long-standing practices of worker misclassification and tax avoidance.

**Based on our expertise about gig-based companies and workers in D.C., we urge you to hold companies responsible for unpaid unemployment insurance taxes, ensure that workers receive the highest-level of available benefits under traditional unemployment insurance, and revise UI law to apply the “ABC test” across industries.**

### Take Action to Recoup Unpaid Unemployment Insurance Taxes

The purpose of unemployment insurance (“UI”) in the U.S. is to provide financial stabilization and protection “against the greatest hazard of our economic life”: the “crushing force [of poverty] upon the unemployed worker” and their family.<sup>1</sup> The unemployment system is modeled on the idea that companies are in part responsible for maintaining a social safety net.

Rather than pay their lawful taxes, gig companies are forcing the public to foot the bill for badly-needed benefits for their workers. To date, ride-hailing giants Uber and Lyft have not paid into any state- or federal-level UI program. States across the country, including both New Jersey (in 2019) and California (in 2020), have accordingly taken legal action to recoup the hundreds of millions of dollars in unpaid taxes. **D.C. should take similar enforcement measures against companies that shirk basic tax obligations.**

### Provide Traditional UI Benefits to Gig Workers

The federal CARES Act rightly makes available a new Pandemic Unemployment Assistance (“PUA”) program, which offers relief to true independent contractors through the end of 2020. But gig-based workers like drivers for Uber and Lyft are misclassified and technically ineligible for PUA because they are employees under the law.

Gig workers who nonetheless get benefits under PUA receive significantly lower benefits than they would under the traditional UI system. Traditional UI is calculated by gross income, while PUA is based on net income. For gig workers who are forced to invest a significant amount of money into their work (including expenses related to their car, gas, insurance, and gig “fees”), their net income is roughly one-third of their gross income. **D.C. should thus immediately provide these workers with traditional UI benefits.**

---

<sup>1</sup> Social Security Board 1936, p. 1. Blaustein, Saul J., Wilbur J. Cohen, and William Haber. “Unemployment Insurance in the United States: the First Half Century.” (1993) Available: [https://research.upjohn.org/cgi/viewcontent.cgi?article=1086&context=up\\_press](https://research.upjohn.org/cgi/viewcontent.cgi?article=1086&context=up_press).



### Expand Application of “ABC Test”

Under existing state unemployment insurance laws, gig-based companies already are the legal employers of their workers. In addition to dictating when and how work is to be done, gig-based companies:

- direct drivers’ interactions with customers;
- detail what vehicles are appropriate for drivers to use;
- supervise and evaluate their drivers’ basic driving habits, including breaking;
- exert significant control over termination and promotion;
- set all fare rates for service and driver payment formulas;
- handle all customer complaints;
- penalize drivers for refusal of work; and
- pay drivers for the service they provide, often irrespective of customer payments.

To streamline this analysis, we urge that D.C. adopt the ABC test to determine employment status. The ABC test has been used in the majority of states since the 1930s to determine whether or not a putative employer pays into the state unemployment insurance fund. But, D.C.’s current “ABC test,” which helps to prevent workplace fraud, ([Code § 32–1331.04](#)) only applies to the construction industry. The code states:

An employer shall not improperly classify an individual who performs services for remuneration paid by an employer as an independent contractor. An employer has improperly classified an individual when an employer-employee relationship exists, as determined by subsection (c) of this section, but the employer has not classified the individual as an employee. An employer-employee relationship shall be presumed to exist when work is performed by an individual for remuneration paid by an employer, unless to the satisfaction of the Mayor, the employer demonstrates that:

- (1) The individual is an exempt person; or
- (2) (a) The individual who performs the work is free from control and direction over the performance of services, subject only to the right of the person or entity for whom services are provided to specify the desired result;
- (b) The individual is customarily engaged in an independently established trade, occupation, profession, or business; and
- (c) The work is outside of the usual course of business of the employer for whom the work is performed.

We strongly urge the removal of *one line* from this law that stipulates the application of the “ABC test” for only the construction services industry (§ 32–1331.02): “This subchapter shall apply only to the construction services industry.” This simple deletion would have an important and immediate impact by making it clear that most gig-based companies are employers.

**D.C. should expand the application of the “ABC Test” to all industries to prevent gig-based companies from avoiding the financial needs of their workers who have already long-endured predatory workplaces.**



Sincerely,

Elizabeth Falcon  
Executive Director  
D.C. Jobs with Justice

Dr. Katie Wells  
Postdoctoral Fellow of the Kalmanovitz  
Initiative for Labor and the Working Poor  
Georgetown University

Dr. Kafui Attoh  
Associate Professor of the  
School of Labor and Urban Studies  
City University of New York

Dr. Declan Cullen  
Assistant Professor of Geography  
George Washington University



Independent Research. Poverty Solutions. Better DC Government.

**Testimony of Doni Crawford, Policy Analyst  
At the Budget Oversight Hearing on the Department of Employment Services  
DC Council Committee on Labor and Workforce Development  
May 28, 2020**

Good morning, Chairperson Silverman and members of the Committee. Thank you for the opportunity to speak today. My name is Doni Crawford, and I am a policy analyst at the DC Fiscal Policy Institute (DCFPI). DCFPI is a non-profit organization that promotes budget choices to address DC's racial and economic inequities and to build widespread prosperity in the District of Columbia, through independent research and policy recommendations. I am also a member of the Fair Budget and Just Pay Coalitions.

I would like to focus my testimony on:

- Building a Just Recovery for DC
- Protecting and Expanding Access to Universal Paid Leave
- Adopting a Revenue Strategy that Prioritizes Cash Assistance for Excluded Workers and Prevents the Return to “Normal”

### **Building a Just Recovery for DC**

The coronavirus (COVID-19) global health pandemic has led to a spike in joblessness and immediate health and human service needs across the District. Due to public policies that have neglected many of our communities and contributed to negative social determinants of health, these devastating impacts are by no means equally shared – Black residents have consistently made up about 75 percent of virus-related deaths and Black and brown residents have consistently made up more than half of positive cases for the virus.<sup>i,ii</sup> Furthermore, District unemployment is expected to peak at 18 percent this quarter, which will undoubtedly bring disproportionate harm to communities of color.<sup>iii</sup>

This is why DCFPI and our partners are calling on the Council to ensure that our city comes out of this crisis stronger than before by building a just recovery. For the Committee on Labor and Workforce Development, this means preserving crucial investments in paid family leave, avoiding decisions that will disproportionately harm essential workers who continue to risk their lives every day, and prioritizing cash assistance for unemployed workers that have been excluded from accessing unemployment insurance. We recognize and value that the Chair has been a staunch advocate for worker protections and benefits both prior to and during the pandemic, and we will need that leadership to see us through this untraditional budget season.

### **Protecting and Expanding Access to Universal Paid Leave**

DC's Paid Family and Medical Leave program will make DC a better place to live, work, and raise a family by allowing workers to attend to urgent family needs without having to worry about the loss of income. We were happy to see that the Mayor's proposed budget preserves \$69 million in FY 2020 and \$271 million in FY 2021 for the Universal Paid Leave Fund and expands the Office of Paid Family Leave, which will greatly assist the office's ability to administer claims. DC must follow these investments by launching the paid family leave program as planned on July 1<sup>st</sup>.

We testified in March about the need for the Department of Employment Services to ensure that intra-agency collaboration is happening across the Office of Wage Hour and the Office of Paid Family Leave to comprehensively promote worker rights laws and benefits. The pandemic has demonstrated that this is now needed more than ever, as the complex web of local and new federal sick leave protections has grown – DC paid family and medical leave insurance, DC paid sick leave, DC Family and Medical Leave Act, DC Protecting Pregnant Workers Fairness Act, federal ADA and FMLA protections, new federal paid sick leave for COVID-19 cases, and new federal child care-related paid family leave, etc. – making it much harder for workers and advocates like myself to navigate and assess eligibility.

DOES should develop a one to two page infographic for workers in many languages on navigating these sick leave protections, similar to one created by Family Values at Work and the National Employment Law Project on federal COVID-19 paid leave and unemployment protections.<sup>iv</sup> They should establish a grant program within the Office of Paid Family Leave to partner with community organizations to help workers navigate and apply for the different leave programs. This will better ensure that more families know their rights, enabling them to take advantage of these benefits, when possible.

Enhanced funding should also be allocated to DC's Office of Human Rights (OHR) for investigators tasked with handling paid leave retaliation cases when employees are retaliated against by employers. Currently, the Mayor's proposed budget cuts 3 full-time equivalents from the proposed OHR budget at a cost of nearly \$400,000.

### **Adopting a Revenue Strategy that Prioritizes Cash Assistance for Excluded Workers and Prevents the Return to "Normal"**

Through a mix of cost-saving strategies, the Mayor took strides to avoid making deep cuts to essential programs and services during the pandemic and resulting economic downturn. The Council can build upon that foundation by adopting a revenue strategy that will meet the growing needs of unemployed workers who play a vital role in our communities yet have been excluded from unemployment insurance.<sup>v</sup> The Fair Taxes and Public Deals issue group of the Fair Budget Coalition developed a list of revenue ideas that can be used to fund cash assistance for undocumented residents, sex workers, and other excluded workers.<sup>vi</sup> Some of these ideas include using more of our reserves, fully repealing the ineffective Qualified High Technology Company tax break, and requiring those with income above \$350,000 to pay their fair share in income taxes.

Throughout this budget season, it is important to always remember that a return to normal is not enough. For many Black and brown families, a return to normal is a return to deeply entrenched structural inequities, many of which the pandemic has amplified.<sup>vii</sup> This moment in time presents an opportunity for our city's leaders to take an equitable approach to our budget, which means asking more from our wealthiest families and laying the groundwork to addressing those inequities.

Thank you for the opportunity to testify and I am happy to answer any questions.

---

<sup>i</sup> John D. Harden, Marissa J. Lang, and Antonio Olivo, [Crowded housing and essential jobs: Why so many Latinos are getting coronavirus](#), The Washington Post, May 25, 2020.

<sup>ii</sup> Doni Crawford and Qubilah Huddleston, [The Black Burden of COVID-19](#), DC Fiscal Policy Institute, April 16, 2020.

<sup>iii</sup> Jeffrey S. DeWitt, [Letter on April 2020 Revenue Estimates](#), Office of the Chief Financial Officer, April 24, 2020.

<sup>iv</sup> Family Values at Work and National Employment Law Project, [COVID-19, Paid Leave and Unemployment Decision Chart](#), April 2020.

<sup>v</sup> Alyssa Noth, [More Support Urgently Needed for DC's Excluded Workers](#), DC Fiscal Policy Institute, April 10, 2020.

<sup>vi</sup> Letter is forthcoming and should be available to the DC Council by May 27, 2020.

<sup>vii</sup> Tracey Ross, [For Black People, The Country Returning 'Back To Normal' Is Not Good Enough](#), Essence, April 27, 2020.



**Testimony before the  
Council of the District of Columbia**

**Committee on Labor and Workforce Development**

**on**

**FY21 Budget Priorities**

**\* \* \***

**Presented by**

**Justin J. Palmer, MPA**

**VP, Public Policy & External Affairs**

**May 28, 2020**

*The District of Columbia Hospital Association is a unifying force working to advance hospitals and health systems in the District of Columbia by promoting policies and initiatives that strengthen our system of care, preserve access and promote better health outcomes for the patients and communities they serve.*

Good Morning Chairperson Silverman and members of the Committee, my name is Justin Palmer, and I am the Vice President of Public Policy & External Affairs for the District of Columbia Hospital Association (DCHA). I appreciate the opportunity to present testimony on the Fiscal Year 2021 Budget.

DCHA has been the unifying voice of the District's hospitals for over 40 years. We represent the interests of our members who provide care to residents from all eight wards, our neighbors in Maryland & Virginia and patients from around the world and our members are committed to providing high-quality care to everyone that walks through their doors and ensuring access to care for every resident of the District of Columbia. Our hospitals' commitment to their missions and the dedication of

their staffs has always been strong but never more needed than today.

The work of the agencies under this committee's purview has also never been more critical. They provide a safety net for those who have lost employment and are also a driver to reemployment and training. DCHA and its members have long been partners with both the Department of Employment Services and the Workforce Investment Council as our industry seeks a pipeline of staff for both entry level positions as well as clinical and nursing staff. We believe that continued investments in on the job training and intermediary support programs offer a pathway to sustainable employment for District residents.

In the District of Columbia, the healthcare industry is the second largest non-governmental employer behind academia. Research shows that the local healthcare industry has a plethora

of career opportunities within the District with strong demand for nursing and medical assistants and other skilled technicians.

I can provide one example of an intermediary program that DCHA has designed. Recognizing the disconnect between the demand for skilled career positions and qualified employment of District residents for them, the Association created a market-driven workforce development program, *Pathways to Progress*, that seeks to address the social and structural barriers thereby paving the way to sustainable healthcare career pathways for chronically unemployed and underemployed populations. We plan on doing this through collaboration with partners and stakeholders such as, academia, healthcare employers, workforce intermediaries, social and support services, advocacy agencies, and public and private funding organizations.

Investments in these types of programs is critically important for achieving the District's goal of ensuring residents

are qualified and have the necessary skills to secure good paying jobs with a sustainable career path.

These programs also must be matched with training programs and curriculums that adapt to the changing needs of the workforce. For example, hospitals employ various specialized technicians and we have to ensure the pipeline for these jobs is sufficient to meet the need. This means that educational institutions have to assess the needs of the market and adapt their programs to the changing needs of the workforce. Additionally, any workforce development program must include the life and soft skill training that is essential for success in the health care sector and beyond.

Thank you again for allowing me to participate today and I am happy to answer any questions.

**Committee on Labor and Workforce Development**  
**Department of Employment Services and Workforce Investment Council**  
**Chair: Councilmember Elissa Silverman and Committee**

**May 28, 2020**

**Testimony from Elizabeth Lindsey, Chief Executive Officer, Byte Back**

My name is Elizabeth Lindsey, and I'm the CEO of Byte Back, a 23-year old nonprofit headquartered in DC. I'm also a proud Ward 5 resident and mom to two DCPS students.

Byte Back's mission is to provide a pathway of inclusive tech training that leads to living-wage careers. In 2019, more than 400 DC adult residents benefited from our free digital skills training, which takes them from turning on a computer for the first time to gaining high-level IT skills. Fifty-seven alumni started careers as IT technicians, administrative assistants, and other positions, earning, on average, more than \$23,000 a year more than before Byte Back.

Today, digital skills aren't a luxury - they're a necessity.

Thousands of DC residents don't have the option for computer-based jobs. In DC, 25% of households don't have broadband access. East of the River, this jumps above 50%. And 14% of unemployed adults are not digitally literate.

**Unfortunately, we're seeing significant retrenchment for digital inclusion in the FY21 DC budget. But we think DOES and the WIC can help.**

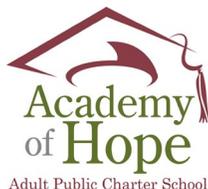
At Byte Back, we envision a DC where unemployed residents can access training and employment virtually without requirements of multiple in-person visits to job centers. We envision a workforce development system that awards more grants to nonprofit training providers for cohorts of students. We see the potential for cross-sector partnerships to build more seamless pipelines for jobseekers to move from digital literacy into advanced training and into living-wage in-demand tech careers.

So, we are here today to ask DOES to allocate at least \$2 million in funding in grants to DC nonprofits, outside of the ETPL, to provide technical and digital literacy training. We ask that DOES also offset costs for computers and broadband for participants and allocate a large portion of spending to Wards 5, 6, 7, and 8 to meet WIOA Title 1 criteria.

In 2019, Byte Back received a DC WIC Strategic Industry Partnership grant. Sector partnerships and workforce development training outside of the WIOA ETPL are essential. This could be improved with a lengthened funding timeline, ability to fund a pathway of training, and by including funding for devices, software, and broadband to meet 2021 circumstances. With current unemployment trends, we ask that allocation for community grants increase to at least \$1 million.

Instead of closing the digital skills gap for adults in DC, this budget, *as is*, will widen the digital divide.

The District needs to invest in digital skills and tech training, computers, and access to broadband so that residents of every ward are able to safely support their families and communities.



Excellence in Adult Education Since 1985

**DC Council Committee on Labor and Workforce Development  
Budget Oversight Hearing on the  
Workforce Investment Council**

**Testimony of Leicester Johnson, Chief Executive Officer  
May 28, 2020**

Councilmember Silverman, members of the committee, thank you for the opportunity to testify. I hope you are all taking good care during these uncertain times. My name is Leicester Johnson, and I am the Chief Executive Officer of Academy of Hope Adult Public Charter School.

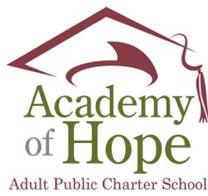
I know the members of this Committee are acutely aware that we are in the midst of an economic free-fall unlike anything we've ever experienced. Since the COVID-19 crisis began, more than 100,000 DC workers have filed for unemployment. This number is only expected to grow as the economic decline progresses over the coming months, and the downturn will disproportionately impact communities of color and individuals without a high school credential—the very communities that already suffered from the highest unemployment rates in the city.

Addressing the academic and career development needs of adults across the District is now more critical than ever. I'm here today to highlight the role adult education providers serve in preparing DC residents to be part of the long economic recovery ahead, urge the Council to maintain funding for the Career Pathways Innovation Fund (CPIF), and identify ways we can continue partnering to connect DC residents to self- and family sustaining careers.

**Moving DC residents forward**

AoH responded to the COVID-19 crisis in real time by transitioning our in-person programming online across a number of innovative platforms. After quickly realizing that roughly 75% of our learners lack access to devices and reliable internet, we distributed laptops, Chromebooks and hotspots to learners in need. We aren't yet able to meet the full demand, but we are striving toward a one-to-one student to device ratio for the fall. Our adult education classes continue to move learners toward their goals, since mid-March, despite the pandemic, at least three students have earned their high school diplomas at remotely through our National External Diploma Program.

We are leveraging our past employer partnerships and best practices within the Hospitality industry and transferring essential competencies to present-moment economic demands. For example, we are transitioning to a focus on Healthcare and Office Admin, including telework competencies, as well as customer service skills needed across many professions. We are also using our experience as a licensed CNA provider to help us develop a certified Phlebotomy training, which will be a growing field with strong linkages to healthcare pathways.



*Excellence in Adult Education Since 1985*

## **Supporting Career Pathways**

This work simply would not be possible without the support of the Career Pathways Innovation Fund. The CPIF—blended with local resources from OSSE’s office of Adult and Family Education—allows us to offer high quality adult education programs in lockstep with workforce training in high-demand sectors. Last year, recognizing the value of these resources, the Council—under your leadership, Councilmember Silverman—increased funding for the CPIF. We are thrilled to see that the Mayor maintained the CPIF at the new, increased level, and we urge the Council to protect the CPIF in the final budget. Furthermore, we hope the Council and the Mayor will use all the tools available—including exhausting all federal dollars available—to support DC’s recovery.

## **Working together to support residents**

We are eager to work with DOES to support the thousands of DC residents who will need higher skills and certifications to succeed in the most challenging job market of our lifetimes. We’re encouraged to see Mayor Bowser’s plan to find a permanent location for the DC Infrastructure Academy (DCIA) and are eager to hear more about the idea to co-locate the DCIA with a charter school. We hope she will consider an adult charter school for the location, so as to ensure DC residents seeking employment need only walk through one door to access all the education and career supports, they need.

AoH is dedicated to helping our city’s most vulnerable residents to overcome a history of discrimination and limited education opportunities. We know that students must have a post-secondary credential or advanced training to achieve economic success. We know that increasing parents’ skills can improve the long-term success of their children and help break the intergenerational cycle of poverty. We are ready to prepare more students to complete and enter career training in high demand industries and occupations, secure living-wage jobs, enter post-secondary education, and achieve self-sufficiency for themselves and their families. We look forward to partnering with the Council, the WIC and DOES to best serve DC residents in the critical months and years ahead.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing  
Department of Employment Services**

**Marcia N. Huff  
Deputy Director, Young Women's Project**

**May 28, 2020**

Greetings Chairperson Silverman and members of the committee. My name is Marcia Huff and I am the Deputy Director of the Young Women's Project (YWP). I am also a Ward 7 resident. I would like to express my appreciation to you, this committee, and your staff for their continued support and most importantly for a commitment to improving DC's youth workforce system. YWP is a DC-based nonprofit organization that builds the leadership and power of young people so that they can shape DC policies and institutions to expand rights and opportunities. Since 1994, YWP has developed thousands of youth leaders and has worked in partnership with a number of DC agencies to develop policy and implement programs in sexual health education and services, foster care rights and opportunities, youth employment, and other issues. YWP programs cover a broad range of interventions -- from after school leadership programming to youth employment, peer education, youth-led research, and policy development. YWP programs engage under-resourced youth of color, ages 14-24, with a focus on teen women and youth in care; more than half of our young people live or go to school in wards 7 and 8. YWP works with youth in 24 DC high schools and all wards and manages two offices: (Connecticut Ave NW (W1) and Benning Rd NE (W7)). YWP has a full-time staff of 6 adults, a part time youth staff of 150 youth, and a budget of \$750,000. YWP is working toward a city where youth are engaged in the leadership and decision making of the institutions and processes that affect their lives. Since the COVID-19 pandemic YWP youth employment training has transitioned online. 75% of YWP's youth staff are engaged and meet for virtual work sessions each week. Youth work has transitioned online with youth staff using social media to educate their peers and advocate on an array of issues related to youth voice, health, employment, and education. Our youth staff's lives have been turned upside down. Our organization has had to support our youth staff by providing Chromebooks and laptops so that they can participate in distance learning, connected them with mental health resources, and assisting them with basic needs such as food.

YWP's model engages youth on three levels -- as peer educators, employees, and advocates. Youth come into our organization as peer health educators through the Youth Health Educator Program (YHEP), which hires more than 150 youth each year from 24 DC public high schools who work in their schools and communities educating their

peers, distributing condoms, and referring youth to clinics, working in partnership with DC Public Schools and the Department of Health (DOH). Youth work 5 hours a week, receive extensive training in sexual health & peer education method and build their skills in self-advocacy, work readiness, and health education. Youth work on teams and with a manager, apply their skills, develop professional behavior, and put together a portfolio of work products. Youth who stay with the YWP program for 9 months (about 50 youth) move onto Youth Justice Campaigns where they work in partnership with our adult staff to organize to advocate for youth rights and opportunities in health, education, and voting. Many of the youth here today are part of that work. All of our youth are paid – starting at \$7.25 and moving up to \$10.50. Last year we hired & trained 262 youth who conducted 64,132 one-on-one interventions reaching 9,620 youth, made 5,934 clinic referrals, and distributed 199,688 condoms and other safer sex materials; half of these interventions focused on wards 5, 7, and 8. Our youth also presented more than 25 testimonies and worked on expand youth voting rights. The Center for Young Adults, which closed its doors in September, provided training and support to more than 150 emancipating youth during the past two years—connecting them to jobs (57%) and housing (68%). Our poverty work has since been folded into our campaigns.

YWP has been employing youth for 25 years -- working side by side to develop them as trainers, educators, and advocates. Teaching them problem solving, communication and decision-making skills and at the same time writing, reading, research, teamwork, how to show up on time, and skills that should have been mastered in school but were not. We work with youth on three levels. First -- we develop them as workers, educators, trainers, advocates who have specific skill sets and issue expertise. Next -- they use these skills and expertise out in the community to solve problems.

An attorney by training, I am a youth advocate with more than a decade working side by side with DC youth. During my time with YWP I have had the honor of supervising nearly 100 youth and young adults. These youth faced significant challenges as the majority were justice involved, foster youth or experiencing homelessness. From 2017 to 2019 I worked with over 100 young adults who emancipated from the foster care system. Most of the young adults in the program spent a significant time in their teens and early 20s on their own and engaging with peers and street economies. They developed a set of skills and coping mechanisms that got them through care and allowed them to survive –but those same sets of skills and inexperience with formal institutions placed them at a significant disadvantage in completing their education and finding employment. At times I was haunted with the thought of whether it was too late to turn things around and interrupt the cycle of poverty and despair. I cannot communicate enough the importance of early interventions, training and support of DC youth. Workforce readiness training and quality job experiences are an essential part of the solution.

I am here for two reasons:

1. To request a budget allocation of \$576,000 within the DOES FY20121 budget for a year-round subsidized employment program for 250 high school students. This small budget ask is less than 1% of the overall proposed FY21 DOES budget (\$156,181,995) and only 7% of the proposed FY21 Year-Round Youth Program Budget (\$7,750,000).
2. To request that the Committee require that DOES submit quarterly reports on spending and enrollment for all youth programs. Outside of oversight question responses there is no way to obtain data on the number of youth that DOES is serving through the year-round program nor how much is being spent.

**Large numbers of youth and their families are living in poverty.** Nationally, 68% (2018) of youth ages 16-19 were unemployed. In DC the number is 81% (2016). The issue is especially urgent for youth living in Wards 7 and 8 where nearly half of the families are living in poverty and the unemployment rates (2018--Ward 7-9.6%, Ward 8 12.5%) are double other parts of the city. In 2016, 81% of youth 16-19 were unemployed with approximately 2000 totally disconnected from school and work.

High school students not only need early work experiences for the development and training, but they also need paid work to help their families. Many of the youth on our staff have financial responsibilities within their families. Many of the youth on our staff who will testify today will talk about the need to pay for school items, household bills (internet, rent, utilities) and life essentials such as food, clothing (including school uniforms), their cell phone, and toiletries. At a young age they feel the squeeze of their family's stretched budgets.

**Youth are not ready to be employed.** Youth need quality training and work experiences, but most are not ready for a full-time job or even the responsibility of an official internship. They need supportive environments where they can build and develop their workforce readiness skills. Even students who regularly attend school and are accustomed to structured environments lack many of the essential workforce skills because they are simply not reinforced in school environments. An example of this is how students report absences—schools require a note, email or call after the absence but there is not an expectation that students provide advanced notice. While working, communicating anticipated absences is crucial, and a lack in doing so can cause termination from a position. Also, many students, including seniors, have full day schedules rendering them ineligible for most traditional internship

programs (such as Urban Alliance's flagship program) that require at least 12 hours a week. Many students are simply not prepared to take on the responsibility of an internship nor do they have the work practice skills to succeed in an internship or part-time job and need a program /job hybrid to get them on the right track. There is a robust summer program but during the school year there are significantly less opportunities for high school students. DOES has are partnerships with DCPS and charters schools but we would like to see the number of paid school year work experience opportunities for high school students grow in 2020.

There are 29,919 youth ages 14-18 living in DC with 17,584 attending DCPS and charter high school. DCPS has 20 high schools, in all Wards, offering Career and Technical Education with 3,287 youth participating. DCPS also has 14 Career Academies (Engineering, Health Sciences, Hospitality& Tourism, and Information Technology) with 1,599 students enrolled. DCPS has a career readiness curriculum called Tenacity that helps students prepare for career success. There are two DCPS internship programs—the Career Bridge program and Career Ready. Career Bridge is a spring internship program started in 2017 enrolled approximately 120 students from 12 schools in 2019. Career Ready is a summer internship program, started in 2016 that is coordinated through a partnership with DOES. Approximately 600 students participated during the summer of 2019. Both internship programs target students who want to start work or enter training programs after graduation and also target students who have significant barriers to employment. These programs include students at DC's Opportunity Academies. The Career Bridge internships seeks internship sites where there is a strong possibility for a post-graduation apprenticeship or employment opportunity. These are two awesome programs but only one offers school year opportunities for students.

Classroom work and training are not enough because students need opportunities where they can grow their skills and take on increasing responsibility. National experts have found promise in youth programs that combine education and work-related experience because education and technical skills are not enough to prepare youth for future career success. Youth need to develop the ability to get along with others, communicate assertively, think critically and problem solve, as well as self-regulate. Small investments can go a long way. Even working a few hours (less than 10 hours) a week can have a positive effect on future employment, earnings, and net worth.

The DMV economy continues to grow and create new jobs in information technology, health science, hospitality, education, construction, transportation, and other priority industries but most of the youth will graduate without the training or skills to be employed. Many young people coming out of the public-school system are not proficient in reading or math— skills that you need to succeed in any job. A quarter of the students are chronically absent and

some schools report numbers closer to 75%. Many of the youth we work with, even those who are high achieving lack skills in communication, problem solving, reading, writing, and other basic work-readiness skills, and at least 10% are in need of basic supports (like transportation, food, clothing) that will enable them to participate in the workforce.

**High school is the ideal time to engage youth.** From 2017 to 2019 YWP served as the Child and Family Service Agency's (CFSA) main contractor for aftercare services. Through this program, called the Center for Young Adults (CYA), we worked with over 100 youth age 21-23 to meet rigorous benchmarks for employment, education, housing, health, and community engagement. Our goal was to help participants make significant progress toward independence. Through this work we clearly saw the devastating repercussions of the lack of investment in early workforce readiness programming. Most of these youth participated in SYEP but few had any work experience outside of that or if they did it was only a part-time work that lasted 1-3 months. Those who lacked early work experiences never developed the discipline, teamwork orientation, or soft skills to be functional in workplace settings. Unemployed youth are more likely to become part of the street economies, more likely to be in the criminal justice system, and more likely to experience chronic unemployment. Our current system's focus on out of school youth perpetuates this problem. What I saw though our work with former foster youth was the dark future for more youth if we continue the current path. If something is not done and fast, we will continue to push thousands of youth through the high school pipeline without solid prospects for living wage employment.

### **ISY Programming Recommendation**

***Our desire to expand the DOES In-School Youth Program is based on three realities.*** Youth need jobs and money— in 2016, 81% of youth 16-19 were unemployed with approximately 2000 totally disconnected from school and work. While DC has a massive 6-week summer program, the rest of the year has less than 1000 employment slots for high school students. There are also numerous youth development organizations who would be willing to train and employ youth during the school year but due to restricted or limited funding are unable to pay youth wages. These organizations are not interested in contracts with DOES to pay their staff salaries or meet their other financial needs, but they would greatly benefit from DOES paying youth wages. Lastly, various banking policies, laws and complicated administrative processes make paying youth wages a difficult undertaking. This is why many organizations pay youth via gift cards. DOES has the capacity to handle payroll and other administrative tasks because they already take on these functions for MBSYEP.

Youth employment needs will be even more acute in the post-COVID emergency world. MBSYEP will take place virtually with most of the youth participating in online workshops and completing virtual assignments. Very few will have actual remote work—especially high school participants. It is critical to have opportunities in the fall for these students. There is plenty of time for DOES and youth employers to create safe ways for youth to participate in employment programming using CDC, WHO and other expert guidance.

***We recommend the allocation of \$576,000 for the creation of a year-round ISY pilot program for high school students that utilizes the existing DOES-MBSYEP infrastructure. Through this pilot DOES would recruit 250 students who would begin working October 2020.*** Any DC high school student (9<sup>th</sup>-12<sup>th</sup>) would be eligible for the program but the pilot would prioritize slots for youth considered “at-risk” (OSSE definition) or living in Wards 5-7-8. Students would work with private businesses, in schools, government agencies, schools and non-profit organizations for up to 8 hours a week and the program would last approximately 24 weeks starting in October and ending in April or May. This program would be implemented similarly to MBSYEP with businesses and organizations registering for a certain number of slots and youth being assigned a worksite. The proposed budget is \$576,00 for this program. 90% of the funding would go to youth wages and related taxes (\$480,000 + \$48,000) and 10% dedicated to administrative costs (\$48,000). This is a miniscule portion of the overall DOES budget (less than 1%) as well as the Year-Round-Youth program budget (7%).

There are several high-quality programs that currently employ (or have youth worker volunteers) and have workforce training for 250 youth (Gearin Up, Idea PCS, Mikva Challenge, Critical Exposure) that could take advantage of this program. YWP staff is committed to assisting DOES with site recruitment, employer vetting, and orienting if necessary. YWP is also committed to working with DOES and employers to create virtual employment options if necessary.

DOES could prioritize slots for organizations that provide industry specific training and employment especially those in the high demand fields such as security, IT, hospitality, construction, education, and healthcare. Similarly, to MBSYEP, employers would also participate in the matching process to ensure that existing participants who qualified could enroll in the program. Participants would not simply learn about work and be trained but they would actually have a job. The pilot takes a hybrid approach--- 50% training and youth development and 50% actual work. Program administration would mirror MBSYEP with employers inputting time on a weekly/biweekly basis (or a timeframe established by DOES) and youth would be paid through debit cards or direct deposit.

Last year the DC Council passed the East End and Opportunity Youth Careers Amendment Act of 2019. An important aspect of the subtitle requires at least two-thirds of DOES's local funds for year-round training be used to serve in-school (excluding those enrolled in the DCPS Career Bridge program) youth who reside or attend school in Ward 7 or Ward 8. So far OYP has not made any significant moves to increase the programming to meet the subtitle's goal. Our pilot would directly contribute to this extremely important goal. We have a meeting with DOES leaders next week and we look forward to discussing the pilot in detail, hearing their thoughts and most importantly gaining their buy in with moving forward.

### **DOES-Office of Youth Programming Reporting Recommendation**

It is hard to fully understand what needs to be done without clearly understanding what is already being done. Currently there is not a clear or simple way to formally obtain information on OYP spending and participation. Regardless of funding source there needs to be formal reporting out of OYP. Ideally DOES would present data via a dashboard on their website similar to CFSA (<https://cfsadashboard.dc.gov/page/placement-children-foster-care>). It is important to see how many youth are being served and at what costs to make prudent investments and to ensure that we are serving the maximum number of youth.

***We recommend that beginning October 1, 2020 DOES submit to the Council quarterly reports on the number of youth enrolled in programming through and served by the OYP including but not limited to the ISY Program, OSY program, Marion Barry Youth Leadership Institute, Pathways for Young Adults, Youth Earn and Learn Program, and the High School Internship program (including through partnerships with DCPS and charter schools).*** DOES shall submit reports to the committee for all programs-locally, federally and privately funded. Reports should include actual spending and the number of participants. Participation numbers in these reports should be broken down by program, contractor, ward, grade, school, age and at-risk status. Reports shall be submitted to the committee no later than 30 calendar days after the end of each quarter.

Thank you for your time and attention. I am happy to answer any questions and serve as a resource for the committee.



**Testimony of Laura Brown  
Budget Oversight Hearing (Public Testimony)  
Department of Employment Services  
Committee on Labor & Workforce Development  
May 28, 2020**

Good morning, Councilmember Silverman and members and staff of the Committee on Labor and Workforce Development. My name is Laura Brown and I am the Executive Director of First Shift Justice Project, a nonprofit that provides legal services to low-income pregnant women and working mothers in the District. I am also a resident of Ward 6. Thank you for receiving public testimony today on these critical issues relating to our city's workforce during this time of fear. It is my hope that we can see this crisis as an opportunity – to listen to our most vulnerable workers and break down the silos that prevent government from designing strategies that are truly responsive to the issues that they raise.

First Shift works almost exclusively with breadwinner mothers in low-wage jobs. When this crisis hit, breadwinner mothers were hit the hardest: almost overnight, they were either laid off or deemed essential workers and required to work, whatever the risk to themselves and their families, and regardless of whether they have childcare.<sup>1</sup> With low-wage work, there is no “work from home.” Our clients include grocery store clerks, security guards, restaurant workers, retail store employees, housecleaners, health care workers, and childcare providers – all of whom have to leave their homes to work.

---

<sup>1</sup> See Donner, Francesca, “How Women are Getting Squeezed by the Pandemic,” NY Times, May 20, 2020 (<https://www.nytimes.com/2020/05/20/us/women-economy-jobs-coronavirus-gender.html>). See also, Becker, Amanda, “The Pandemic Up-Ended Child Care. It Could Be Devastating for Women.” Washington Post, May 20, 2020 (<https://www.washingtonpost.com/politics/2020/05/20/pandemic-upended-child-care-it-could-be-devastating-working-women/>). See also, Elis, Niv, “Women Suffering Steeper Job Losses in COVID-19 Economy,” The Hill, May 25, 2020 (<https://thehill.com/policy/finance/499250-women-suffering-steeper-job-losses-in-covid-19-economy>). See also, Lewis, Helen, “The Coronavirus is a Disaster for Feminism,” The Atlantic, March 19, 2020 (<https://www.theatlantic.com/international/archive/2020/03/feminism-womens-rights-coronavirus-covid19/608302/>). See also, Kurtzleben, Danielle, “Women Bear the Brunt of Coronavirus Job Losses,” All Things Considered, NPR, May 9, 2020 (<https://www.npr.org/2020/05/09/853073274/women-bear-the-brunt-of-coronavirus-job-losses>).

Experts have distinguished the economic recession caused by the COVID-19 shut down from the recession of 2008 and 2009, which primarily impacted the male-dominated construction and manufacturing industries; in contrast, this crisis hit the service and retail sectors first, in which women represent the highest number of workers.<sup>2</sup> Women – specifically, women of color - have seen the highest number of job losses, not only because they work in sectors that have been shut down, but also because they are responsible for childcare.<sup>3</sup> Fortunately they will be able to recover some portion of their incomes by filing for federal pandemic unemployment assistance; however, in the end they will still be unemployed and unable to search for or return to work until childcare options are available.

This reality is particularly relevant for D.C., the jurisdiction with the highest percentage of breadwinner mothers in the United States. 81.4% of the mothers in this city contribute a significant share of their families' incomes – and many of them are their family's sole providers.<sup>4</sup> Among African American families in D.C., 88% of black mothers are primary or exclusive breadwinners.<sup>5</sup> If the mothers cannot recover from the effects of this crisis, their families won't recover. Therefore, to be effective, any proposal to re-open D.C. and rebuild the economy must address the needs of its working mothers. Otherwise, child poverty will increase and a whole host of other societal problems will flow from that, impacting a generation of District residents.

The budget for the Department of Employment Services should anticipate the need for cross-agency collaboration; a comprehensive strategy should include considerations of workplace safety, job protection, income supports, and childcare.

### **Worker Safety and Health**

One of the most significant obstacles to returning to work is the issue of the health and safety in the workplace. Employees who perceive their workplaces to be unsafe may be unwilling to return to work; we have seen this issue crop up in some of the unemployment inquiries we have received, in which employees who have not received reassurance about safety in their workplaces are inquiring about whether they can refuse to work and

---

<sup>2</sup> See Elis, Niv, "Women Suffering Steeper Job Losses in COVID-19 Economy," The Hill, May 25, 2020 (<https://thehill.com/policy/finance/499250-women-suffering-steeper-job-losses-in-covid-19-economy>).

<sup>3</sup> Id. Technically women who cannot work because of childcare responsibilities should qualify for job-protected leave pursuant to COVID protections under the D.C Family Medical Leave Act; however, our experience is that not very many members of the public – employees or employers - are aware of how DCFMLA protections have been expanded during this period.

<sup>4</sup> Glynn, Sarah Jane, "Breadwinning Mothers Continue to Be the U.S. Norm," Center for American Progress (May 10, 2019).

<sup>5</sup> Anderson, Julie, "Quick Figures: Breadwinner Mothers by Race/Ethnicity and State," Institute for Women's Policy Research (September 2016).

continue to draw unemployment. It is well-documented that people of color – the majority of the people who occupy higher risk, low-wage jobs in the service and retail sectors – face more severe health consequences as a result of contracting COVID-19.<sup>6</sup>

D.C.'s Occupational Health and Safety office needs the resources to identify and enforce specific standards with respect to worker protections on businesses that are re-opening, as well as accepting complaints from and investigating businesses who are not complying. This will require the promulgation of regulations (after decades of inaction) and staffing the office to ensure meaningful enforcement. In my understanding, currently there are only 7 FTEs in the budget for the Office of Occupational Safety and Health, an increase of one staff person for FY21.

Employers should be required to provide notice to employees of the health and safety measures they are taking to ensure a safe workplace. If employers are not complying with basic safety and health standards, employees should have a right to refuse to report to work without fear of termination or other retaliation until the businesses come into compliance. With specific standards established, it will also be clearer what safety and health violations might constitute a good cause reason to quit for the purpose of drawing unemployment benefits. For the service and retail sectors, these protections will benefit consumers as well.

### **Comprehensive Strategy**

In anticipation of re-opening, businesses are beginning to call their employees back to work. Working mothers are calling us with concerns about whether it is safe to return to work for themselves and the family members they live with; how they are going to work without childcare; and whether they will be able to continue to receive unemployment if they are unable to return to work. Because it houses the workplace safety, paid family leave, and unemployment insurance offices, Department of Employment Services is in a position to coordinate the government's effort to answer these questions in a way that ensures the financial security, and therefore the health and well-being, of these families.

---

<sup>6</sup> Williams, Aaron and Blanco, Adrian, "How the Coronavirus Exposed Health Disparities in Communities of Color," Washington Post, May 26, 2020 (Updated) (<https://www.washingtonpost.com/graphics/2020/investigations/coronavirus-race-data-map/>). See also, Dozier, Kimberly, "As Washington D.C. Weighs Reopening, African Americans in the Nation's Capital Brace for the Worst," Time, May 26, 2020 (<https://time.com/5842744/reopening-washington-dc-african-americans-coronavirus/>).

DOES, the Office of the State Superintendent of Education, and the Office of Human Rights should receive adequate resources in the budget to coordinate rights and benefits and develop an outreach plan to communicate them to the community. While recent legislation has more closely aligned job-protected leave rights under the D.C. FMLA with the availability of unemployment insurance, my experience with clients and in my interactions with leadership from small nonprofits is that few people in the community know about the expanded rights under D.C. FMLA. For example, I have counseled employers and workers alike on the availability of job-protected leave for people with continuing childcare issues as an alternative to termination. For the employee, knowing that she has a right to job-protected leave is the difference between having a job to go back to and facing months of unemployment with potentially slim job prospects.

Childcare will also be a critical component of future plans as business re-open. Even if mothers have the opportunity to return to work, they cannot do so without safe and reliable childcare. Childcare options they may have depended on previously – including informal ones with family and neighbors – will not be available in the immediate future because of COVID-19 and social-distancing requirements. DOES should work with OSSE to develop a thoughtful plan with childcare options that are flexible enough to align with varying work schedules, the availability of job-protected leave, and the right to unemployment insurance benefits. This could include an expansion of the childcare voucher program and /or an extension of the childcare program for essential health workers to other workers as businesses open up. If schools are only going to take a limited number of kids in person for a limited number of days per week, that will significantly restrict mothers' ability to work, both because their kids are only going to school once or twice per week, but also because this plan will impose a burden on them to facilitate distance-learning. A combination of work-sharing under the unemployment insurance program, increased access to childcare resources and/or the availability of intermittent leave under the expanded D.C Family Medical Leave Act (which is not currently part of the law) could increase the likelihood that working mothers in low-wage jobs can maintain their employment, ensure the safe care of their children, and enable their children to participate in school.

### **Paid Family Leave**

For many years now, D.C. mothers in low-wage jobs have awaited the availability of paid family leave, a benefit that will put them in closer parity with their higher-wage earning counterparts. I am so grateful that the paid leave fund remains intact in the FY21 budget and that the amount that can be taken from the fund in order to provide COVID-related relief has been limited by legislation.

Launching the program in the midst of the pandemic will be challenging and could undermine eligibility for the benefit for some workers. Unfortunately, many who would have qualified to receive paid leave and whose employers have paid into the system will not be eligible to receive it because of the illegal current employment requirement imposed by the regulations. However, the pandemic highlights the very inequities of race and class that the Universal Paid Leave Act was designed to remedy; if it is not implemented as scheduled and available to all the workers it was intended to benefit, I fear that these disparities will be exacerbated.

As employees learn how the new benefits system will work, it will also be necessary for them to sort out the applicability of overlapping protections – both pre-existing protections prior to the pandemic and worker protections available in response to the pandemic. For the past six months, in anticipation of the rollout of this program, First Shift has been hearing from and advising clients about paid family leave and how it fits into the overall scheme of other workplace protections and benefits. Workers need assistance in understanding what their rights are under federal and local law, such as the D.C. Family Medical Leave Act; the Protecting Pregnant Workers’ Fairness Act; the Human Rights Act; the Americans with Disabilities Act; and the Accrued Sick and Safe Leave Act; as well as federal and D.C. COVID-19-related protections, including those under the CARES Act and the Families First Coronavirus Recovery Act. They will also need guidance in determining how their paid family leave benefits coordinate with other employer-provided and government benefits programs, such as short-term disability, workers’ compensation, and unemployment insurance.

A grant program operated by the Office of Paid Family Leave which makes funding available to community groups would enable these groups to provide this counseling and guidance to individual workers. In addition, such a fund could, through other organizations, provide technical assistance and education to employers who are providing notice to employees and adjusting their internal paid leave policies as the paid family leave program rolls out.

### **Domestic Workers Bill of Rights**

Prior to the onslaught of the pandemic, we were on track to have a committee hearing on the Domestic Workers Bill of Rights which was introduced last September. The pandemic makes the passage of this legislation even more urgent.

Nannies and home health workers, two groups that compose a large percentage of the domestic workers in D.C., were identified by Mayor Bowser as “essential workers” in this crisis. Therefore, even though the majority of workers ceased working, nannies and

home health aides could be required to continue to work. Except for the vaguest, generic standards which apply to all residents in D.C., no safety or health standards ensure the safety of nannies and home health aides who are required to work in close proximity to non-family members in private households during this time. While some domestic workers have been required to work in unsafe conditions, others have been terminated by their employers; many of them are not eligible for unemployment benefits and have no right to severance from their employers.<sup>7</sup> A domestic worker bill of rights would prevent nannies, home health aides, and other domestic workers from the sometimes arbitrary and self-serving decisions of their employers by establishing baseline workplace standards and protections during this vulnerable time.

### **Unemployment Insurance System**

To their credit, the Department of Employment Services has approved a record-breaking number of unemployment claims over the course of the pandemic. However, significant problems remain regarding access to the application for low-income residents who lack a computer at home and those who do not speak fluent English. First Shift has been working with a team of unemployment insurance advocates from other legal services organizations in D.C. and we have submitted joint testimony regarding the issues our clients are experiencing. I will not reiterate these matters in First Shift's individual testimony, but suffice it to say that funding a new unemployment application system with updated technology should be a top priority for DOES in FY21. In addition, DOES needs whatever resources are necessary to bring it into compliance with the Language Access Act so that D.C. residents and workers whose first language is not English are not prevented from applying.

Underpinning these budget considerations is a desire for DC to embrace a principle that money can't buy: an attitude of empathy. Most low-income families are doing the best they can to provide and care for their families and navigate the rights and benefits that will enable them to do that. Increasing enforcement of unemployment overpayments when there is so much need and confusion about what qualifies someone for unemployment benefits and the continuing eligibility requirements is not empathetic (and also clogs up the appeals process). Faulting someone for their hesitance to return to work at a restaurant when they have vulnerable family members at home to care for in a cramped apartment or lack childcare for their young children is not empathetic. My clients are not trying to "game" the system; they are trying to survive and care for their families. If we can use our resources to help these vulnerable families in our community stay afloat through this time

---

<sup>7</sup> St. Hilaire, Melissa, "I was Fired because of the Coronavirus," NY Times, April 13, 2020 (<https://www.nytimes.com/2020/04/13/opinion/sunday/coronavirus-domestic-workers.html>)

and recover from the crisis by addressing the significant obstacles they face in returning to work, we will all benefit from that investment.

Thank you for allowing me to testify today; I would be happy to answer any questions.

**Testimony of Joanna Blotner**  
**Legislative Director, DC Family & Economic Security Campaigns**  
**Jews United For Justice**

**Budget Oversight Hearing for Public witnesses**  
**Labor & Workforce Development Committee**  
**Thursday, May 28, 2020**

Good morning Councilmember Silverman and members and staff of the Labor and Workforce Development Committee. Thank you for holding today's virtual hearing to enable the public to weigh in on matters of worker rights and protections, economic security, and the future of the District's workforce, issues that are more important than ever before as our city - and the world - is racing to adjust to the far-reaching impacts of the COVID-19 pandemic.

My name is Joanna Blotner and I am testifying today on behalf of Jews United For Justice whose members and supporters include thousands of Jews and allies committed to advancing social, racial, and economic justice in the District. JUFJ played a leading role in DC's paid family leave campaign and is an active member of both the Just Pay and Fair Budget Coalitions. As I have testified before, JUFJ and the many coalitions we work with know that DOES's mission to promote and protect fair, safe, and effective working communities in the District is critical to reducing many of the racial and socioeconomic disparities we see in the DC. As the District charts a course to recovery, DOES must have the resources it needs - and must implement the innovative thinking and can-do attitude these times require - in order to play a leading role in ensuring a truly just recovery. We cannot repeat the same mistakes of the past recessions when DC slashed education and programs that serve lower-income residents, creating more barriers to employment, success, and prosperity for Black residents. By redoubling our city's commitments to paid leave protections, improving unemployment insurance benefits and experiences, ensuring workers are properly classified, and putting new revenue on the table, this committee can help bring about a #JustRecoveryDC.

As you know, the COVID-19 pandemic has disproportionately affected the lives and wellbeing of communities of color. Reopening the city must not further imperil the lives and health of workers who have too long been denied protected time to care for themselves and their families in times of medical crises - low income Black, brown, and immigrant workers in particular. DC can help prevent further harm to these workers by standing by its commitment to provide the District's workforce with paid family and medical leave beginning this July.

Our city must also ensure that all workers know their rights to both local and new federal sick leave protections, and that DC businesses are made aware of the federal rules that allow for COVID-19-related leave reimbursements. Enforcement has been a longstanding point of disagreement between worker rights advocates and DOES but if ever there was a time to pivot to strategic and proactive enforcement of labor laws, it is now! The Council has already authorized \$500,000 of paid leave funds to go toward emergency paid sick day enforcement. This committee should do everything in its power to require that those dollars be spent in ways that align with [strategic enforcement principles outlined in DC Jobs With Justice's Making Our Laws Real Report](#), including requiring the agency to submit for review a work plan for review detailing how that money will be spent.

Additionally, DOES should establish a community partnership arrangement to help workers navigate the complexities and confusions of the different types of workplace leave laws: DC paid family and medical leave insurance, DC paid sick leave, DC Family and Medical Leave Act, DC Protecting Pregnant Workers Fairness Act, federal ADA and FMLA protections, new federal paid sick leave for COVID-19 cases, and new federal child care-related paid family leave, among others.<sup>1</sup> With new federal leave (and unemployment) allowances rolled out without time for businesses, workers, or government agencies to absorb these changes, worker confusion has been exacerbated. A grant program operated by the Office of Paid Family Leave that helps workers understand which leaves to apply for, and how, will help to proactively manage DOES's caseload in both OPFL and the Office of Wage Hour, as well as caseloads at DC's Office of Human Rights.<sup>2</sup> This grant program could also be designed to help a business's HR department navigate different laws and stay in compliance.<sup>3</sup>

DC is incredibly fortunate to be the only jurisdiction in the country that is ready to roll out a paid family and medical leave program just as the city will begin to reopen.<sup>4</sup> Paid leave insurance was designed precisely for moments like this: to manage the financial risks involved when businesses have unexpected employee leave needs arise or when they have multiple workers out at once, whether for COVID-19,

---

<sup>1</sup> There are a number of community organizations in DC that are already well-positioned to partner with DOES on a 'leave navigators' type of program and hit the ground running at the start of the new fiscal year; DOES should not delay preparations to launch this grant-based community partnership and should issue RFPs over the summer.

<sup>2</sup> The FY21 budget should be increasing funding for OHR investigators to better meet current demands, especially related to LGBTQ discrimination, and to plan for increased caseloads related to paid leave retaliation.

<sup>3</sup> Washington State has a similar program embedded in their paid leave program, though it is structured as an ombudsperson and is a government position. Given government hiring freezes, a grant program that deepens relationships with both worker and business communities seems a better solution for this idea.

<sup>4</sup> While we are excited for paid leave to begin, more transparency is urgently needed from DOES about the status of the program launch with respect to hiring and training of claims reps, IT setup for benefit claims, and public outreach plans for the summer and fall.

cancer, or childbirth.<sup>5</sup> That is why it has been so troubling to hear lobbyists for the biggest businesses in DC attacking the forthcoming paid leave program, yet again, and calling for its delay or dismantling. This is a reckless, selfish attack that endangers public health, particularly the health of Black and brown workers who have been required in disproportionate numbers to continue reporting to their worksites with inadequate personal protective gear and with insufficient healthcare and leave benefits. There are many ways to support struggling small and local businesses in this moment - microgrants, commercial rent freezes and rent control, deferring property tax payments, etc. - but a paid family and medical leave insurance program is the **only** tool we have to make sure workers can, en masse, afford to attend to their health and be there to care for others when it matters most. If anything, this pandemic shows that we should be finding ways to expand programs like paid family and medical leave that support small businesses, working families, and vulnerable communities.

Unemployment Insurance, like paid leave insurance, is a critical safety net for District workers. While there has been much talk about challenges for DOES's unemployment division these past two months, the agency has processed roughly 105,000 claims in this time, almost four times as many claims as were paid out in all of 2019 ([DC paid 27,000 UI claims in 2019](#)). While devastating, this is also extraordinary. The agency's ability to meet the challenge of this moment and get money out the door to help stabilize family finances clearly demonstrates the essential nature of safety net insurance programs that are able to respond when massive societal disruptions occur. We need more, not fewer or less robust, of these types of programs. By comparison, we need only look to the challenges faced by [workers either originally excluded or still excluded](#) from the unemployment insurance program to understand the hardship precipitated by a lack of government infrastructure to meet widespread community needs.

To further enhance our city's resiliency, however, the unemployment program **MUST** invest in technology improvements, increase language access, improve user experiences, continue to engage in robust public outreach and social media campaigns, and approach challenging cases with a perspective of "getting to yes" rather than relying on denials and appeals processes. Further, DC should consider extending the length of time individuals will be eligible for benefits - either traditional benefits or work-sharing arrangements - as the current time frame is too short to match the not-yet-determined horizon of a "new normal" for the DC labor market. Additionally, to recoup some of the money that has been paid out as part of the Pandemic Unemployment Assistance program, this committee and DOES should work together to revise the laws that allow gig-workers to be misclassified as independent

---

<sup>5</sup> Quote from the principal at AGH Strategies, a Ward 4 small business, reacting to news that corporate lobbyists are attempting to undermine DC's paid leave program: "Any effort to thwart the launch of the Universal Paid Leave program in D.C. would be deeply troubling...For a modest contribution to the paid leave social insurance pool, I get a lot of value -- a workforce that is stable. My company is already counting on the July 1 launch of the Paid Leave Act and to delay or take it away leaves me in a hole, not just this year but potentially in the future. My company spent the last year complying with a new collection process to ensure funds are available for the Paid Leave Act's July 1 implementation. The money is there for its intended purpose. To fail to carry through would be bad governance and a transparent assault on a program businesses across the city need."

contractors. This is an egregious form of wage theft that locks workers out of fair pay and benefits. Gig employers should be paying their fair share when it comes to payroll taxes, including for unemployment and paid family leave insurance.

While there are many urgent needs to be met in our city - support for undocumented residents, [childcare industry stabilization](#), small business assistance, and much more - and the Council should address these funding needs in the supplemental budget, this committee and DOES must also look ahead to the longer-term future of the workforce and ensure the city is making and funding thoughtful, innovative plans to meet future needs. Jewish tradition teaches that in a just world, all people would have what the Torah calls *dei machsoro*, resources sufficient for their needs. We are called to be partners in the creation of that world, to build a better future than we inherited — and in this time, that call is louder than ever. This budget cannot simply return to status quo funding and programming that have left Black and brown residents behind as others in the District have experienced economic prosperity. The concept of *dei machsoro* requires us to make different choices. City leaders can choose to lessen the harm of this pandemic by looking to new revenue opportunities to meet growing and evolving needs. It's time for us to create a better future by undoing wasteful corporate tax breaks, asking those with the greatest resources to pay their fair share, and strategically using more of our reserves. More detailed information on strategic revenue choices can be found in a sign-on letter [JUF] is supporting from the Fair Budget Coalition; [this letter will be submitted to the DC Council in the coming days](#). Revenue strategies like these will ensure not only that DC recovers, but that we achieve a just recovery.

Thank you for allowing me to testify today. I would be happy to answer any questions.

---

#### Links included in testimony:

- DC Jobs with Justice “Making our Laws Real” report: [www.dcjwj.org/wp-content/uploads/2018/04/LawsReal.pdf](http://www.dcjwj.org/wp-content/uploads/2018/04/LawsReal.pdf)
- 2019 DC unemployment insurance claims - Washington Post, “Delays in overhauling D.C. unemployment site add to turmoil of coronavirus layoffs” [www.washingtonpost.com/local/dc-politics/delays-in-overhauling-dc-unemployment-site-fueled-turmoil-in-covid-19-crisis/2020/04/02/ebe7d81e-73ad-11ea-87da-77a8136c1a6d\\_story.html](http://www.washingtonpost.com/local/dc-politics/delays-in-overhauling-dc-unemployment-site-fueled-turmoil-in-covid-19-crisis/2020/04/02/ebe7d81e-73ad-11ea-87da-77a8136c1a6d_story.html)
- Excluded workers story - Washington City Paper, “The District's Excluded Workers Still Need Help” [www.washingtoncitypaper.com/news/city-desk/article/21127221/the-districts-excluded-workers-still-need-help](http://www.washingtoncitypaper.com/news/city-desk/article/21127221/the-districts-excluded-workers-still-need-help)
- Child Care Stabilization Report from DC Association for the Education of Young Children and the Under 3 DC Coalition: [www.under3dc.org/wp-content/uploads/2020/05/DC-Child-Care-Investments\\_May2020.pdf](http://www.under3dc.org/wp-content/uploads/2020/05/DC-Child-Care-Investments_May2020.pdf)
- Fair Budget Coalition FY21 Revenue Raiser Sign-On Letter: <https://docs.google.com/forms/d/e/1FAIpQLSdomNUGTnuNPIG4xLfDQrQcQrVzolzjhm8hSdkob-epcK3-2g/vi/ewform?vc=0&c=0&w=1>

**Testimony of Kimberly Perry, Executive Director  
DC Action for Children**

**Budget Hearing  
Fiscal Year 2021  
Paid Family and Medical Leave**

**Before the Committee on Labor and Workforce Development  
Council of the District of Columbia**

**Thursday, May 28, 2020**

Good morning, Councilmember Silverman and members of the Committee on Labor and Workforce Development. Thank you for the opportunity to address the Council as it reviews the proposed Fiscal Year 2021 budget for the Department of Employment Services. I am Kimberly Perry, Executive Director of DC Action for Children (DC Action).

DC Action for Children and DC Alliance of Youth Advocates (DCAYA) recently merged to form an even stronger, independent voice for children and youth. We provide data analysis, policy solutions, and collective advocacy on critical issues facing our young people. We envision a District of Columbia where all kids, regardless of their race, family's income or zip code, have the opportunity to reach their full potential. We are also the home of DC KIDS COUNT, an online resource that tracks key indicators of child and youth well-being.

The COVID-19 pandemic reinforces the need for inclusive, accessible health programs. Fortunately, the District is almost ready to launch a new program that will help.

DC's new Universal Paid Leave Program is slated to launch July 1. Many of us in the advocacy community have been working toward this moment since 2015. In a month, residents from across the District will be able to take paid time away from work to connect with their new born child, or care for themselves and their loved ones when serious illness or injury strikes. As COVID-19 has sadly demonstrated, we need this now more than ever.

We're all vulnerable in this pandemic — but not equally. While African Americans account for 46% of the District's population, 76% of those who have died from coronavirus in DC are Black, despite only making up 46% of the people who have tested positive. Further, another 11% of our residents who have died are Latinx and 2% are Asian, meaning nearly everyone the virus has killed has been a person of color.

Parents who work in grocery stores, pharmacies, cleaning services and caregiving are at an exponentially higher risk for exposure, as are their families. The District is home to more than 47,000 front-line workers, most of whom are women and people of color. Yet our essential workers are also chronically underpaid and denied lifesaving benefits like paid leave. This is not new: Black and Brown communities have historically been denied decent pay, benefits and

health care. As a result, our residents of color have more chronic conditions, get sicker and die at disproportionate rates from many illnesses, including COVID-19.

We won't undo generations of inequity with one program, but paid leave is a critical step forward.

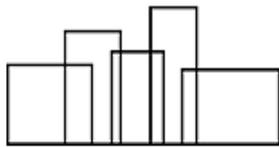
And yet, the Chamber of Commerce, Federal City Council and other local big-business leaders have spent millions lobbying against the Universal Paid Leave program through years of public debate. Even after the policy became law, they continued demanding revisions and delays. Meanwhile, small-business owners, advocates, public health and early childhood experts, and working people across the District pleaded for a common-sense program that could help all of us stay healthy and financially stable.

The program helps businesses stay afloat, too: Its only cost to employers is a 0.62% payroll tax. That's about \$6 a week to cover an employee who earns \$50,000 a year. Businesses would spend far more for a private insurance program, or to pay employees out of pocket during leave. The District wide program means that employers, especially small businesses, can plan ahead and incur no additional costs when their staff need time away from the job. And yet the big-business owners and developers claim the economic devastation of the pandemic means we should delay this program.

The District does face real financial challenges and is facing them head-on. However, Mayor Bowser was right to recognize it would be shortsighted and dangerous to balance our budget by cutting a program that helps all of us stay safe and healthy. Hundreds of people in the District have died from a terrible new disease, and across the nation millions more have been plunged into joblessness. As the District plans to reopen workplaces and businesses, it's critical for public safety that sick people can stay home and get care.

Thank you Councilmember Silverman and others for continuing to stand with doctors, scientists and front-line workers. Thank you for keeping the commitment you made to the people of the District: No one should be forced to choose between their job and their health. If anything, let's find ways to expand programs that support small businesses, working families and vulnerable communities. At the very least, no one should debate cutting a lifeline in the middle of a pandemic.

Thank you again for the opportunity to provide testimony. If you or Committee staff have any questions or need clarification, I can be reached at [kperry@dckids.org](mailto:kperry@dckids.org).



**CNHED**

Coalition for Nonprofit Housing and Economic Development

**Testimony of Evette Banfield, VP, Economic Development Policy  
Coalition for Nonprofit Housing & Economic Development  
Before the Committee on Labor and Workforce Development  
Budget Oversight Hearing on  
Department of Employment Services and Workforce Investment Council  
Thursday, May 28, 2020  
John A. Wilson Building via Webex Video Conference**

Good morning, Chairperson Silverman, and members of the Committee on Labor and Workforce Development. I hope you are all well as you continue practicing social distancing. I'm Evette Banfield, Vice President of Economic Development Policy and Wealth Building Strategies at the Coalition for Nonprofit Housing and Economic Development (CNHED). CNHED is an association of 140 members working to foster just and equitable community development solutions that address the needs and aspirations of low- and moderate-income District residents.

The Covid-19 pandemic has upended a decade of economic growth as a result of the Districtwide halt of virtually all business activity and residents practicing social distances. Massive furloughs and layoffs have also reversed the District's favorable employment rates of 5.3% -- the lowest in the past 30 years. At last count 100,000 residents have filed for unemployment claims, overtaxing the online claim-filing system as residents anticipate receiving their unemployment benefits and federal stimulus check. Unquestionably, the fallout of the shutdown will reverberate throughout the District for an extended period time, but low-income, long-term and newly, unemployed black and brown residents, and those in entry-level skill jobs, will be adversely affected the longest by this sudden change.

It is important to note that prior to the pandemic, statistics on the black unemployment rate in the District have only reinforced a familiar storyline that African Americans have the highest unemployment rate in DC at 11.3%. A recent study released early this year highlighted that "many black Washingtonians have been left out" of the District's economic boom. Moreover, the "District had the largest black-white" unemployment gap" with African Americans being eight times more likely to be out of a job than a white person. Reasons for these bleak statistics can be attributed to the longstanding social economic, racial and ethnic inequities experienced by DC's black and brown residents that persist today.

The path forward to eradicating the persistent high unemployment rate and poverty associated with low-wage jobs is to train and upskill black and brown residents in the District's high demand sectors. Drastically moving the needle will require investment in and strategic

engagement of community-based workforce development organizations partnering with the District as well as residents.

As CNHED supports the recommendations developed by ReOpen DC's Public Health Innovation and Workforce Committee, we're also looking to Council to ensure that the District's FY 2021 budget reflects the needs of thousands of low-income, unemployed and unskilled residents. These residents will likely continue to experience challenges as a result of the long-term repercussions of layoffs, and the projected lengthen of time for the District's economy to rebound.

### **ReOpen DC's Recommendations**

- Train and reskill workers to meet the immediate needs in the healthcare sector. Including the development of career pipelines from DCPS, Charter, and UDC College/University.
- Identify current and projected workforce needs and current and projected training capacity for those needs (across all sectors), and identify, reskill (if necessary), and match displaced workers.
- Address accessibility needs of job-seekers, given increased reliance on remote/virtual interactions.
- Address the needs of workers or job-seekers who may not reengage in the workforce due to increased risk of infection.
- Redouble support for individuals who were already disadvantaged but will now compete with more people for fewer jobs.

Let's take this time to pursue quick wins while continuing ongoing efforts to address longer-term barriers towards building a workforce system that services all residents. CNHED is asking Council to affirm its commitment to District's residents by supporting and investing in the following recommendations.

- Align workforce with education by making the shift to system-wide, phased adoption of an Integrated Education and Training Model, and placing sector specific counselors at the American Job Centers.
- Create equity and access by investing and making digital literacy and training an integral part of workforce development training and closing the digital divide. Digital training and proficiency should be a workforce development requirement.
- Utilized the time it will take for the District's economy to rebound to upskill and retrain residents that will have a harder time finding employment, and relegated to entry-to-intermediate skill, low-wage jobs with scant opportunity for advancement.
- Achieve excellence in service delivery by building the capacity of community-based organization to transition to a hybrid learning model, where they offer a face-to-face "seat time" and remote training.

- Maximize UDC-CC's Workforce Development and Lifelong Learning program to ensure low skilled workers are getting the industry-recognized credentials to pursue high-demand occupations.
- Strategically leverage the District's local funding by exhausting federal and private dollars first, and restore funding to support the Career Pathways Innovation Fund (CPIF).
- Operate smart and effective systems by using the Transparency Act's expenditure guide to track workforce outcomes, and fully operationalize to maximize the efficiency of the District's data vault.

Thank you for this opportunity to testify.



# DC COMMUNITY ANCHOR PARTNERSHIP

An Initiative of  CNHED

The **DC Community Anchor Partnership** (DCAP) is a collaborative of prominent institutions committed to leveraging their operations to advance equitable economic development in the District of Columbia. An initiative of the Coalition for Nonprofit Housing and Economic Development (CNHED), in partnership with the Office of the DC Deputy Mayor for Planning and Economic Development (DMPED), DCAP's educational and medical anchor institution members are first focusing on using their procurement power to support the growth of DC minority-owned business enterprises (MBEs).



**1. CONVENE:** Connect institutions to advance a common agenda on equitable economic development, support institutional alignment, and facilitate cross-institution peer learning on best practices.



**2. COORDINATE:** Support anchor members in creation of action plans that expand procurement with DC MBEs, as well as coordinate supportive execution infrastructure with partners for firm identification, screening, and matching.



**3. TRACK:** Collect and promote aggregate results to recognize anchor member successes and to inform continuous improvement that strengthens the small business development ecosystem.

Founding Anchor Members currently involved include **Georgetown University**, **Children's National Health System**, **Sibley Memorial Hospital** (Johns Hopkins Medicine), and **BridgePoint Healthcare**, with more institutions to join in the future. The effort is a high-impact initiative in the DC Economic Strategy to ensure growth benefits all Washingtonians.

Increased procurement with DC-based minority-owned businesses, through DCAP, will **create jobs**, **boost incomes**, and **generate wealth** for residents of color, supporting institutional corporate objectives and advancing inclusive prosperity in the District of Columbia.

For more information on DCAP, please contact Zach Komes, Director of Wealth Building Strategies, CNHED, at [dcap@cnhed.org](mailto:dcap@cnhed.org) or 202-745-0902 x209.

In Partnership With:  **DMPED**  
OFFICE OF THE DEPUTY MAYOR FOR  
PLANNING & ECONOMIC DEVELOPMENT

Founding Corporate Supporter:  **citi**  
CitiCommunityDevelopment.com



# Washington Teachers' Union

***Amplifying the Voice of DC Teachers***

*Elizabeth A. Davis, President*

1239 Pennsylvania Avenue, S.E. Washington, D.C. 20003 • 202.517.1477 • [www.wtulocal6.org](http://www.wtulocal6.org)

## DC City Council Committee on Labor & Workforce Development

Fiscal Year 2021 Budget Oversight Hearing

May 28, 2020

Testimony of

Elizabeth A. Davis, *President*  
Washington Teachers' Union  
AFT Local 6

The reopening of our school doors will serve as a symbol of our city's recovery. How we invest in our school system and its employees in the upcoming school year will serve as a symbol of our city's values.

The novel coronavirus and the subsequent school closures have made clear that schools play an outsized role in our community — they are so much more than places to learn. Schools provide vital nutrition, physical safety, mental health and critical developmental supports to tens of thousands of students across the District every day. They also play a key role in supporting members of the city's workforce as a place where their children can thrive while adults are at work. Our teachers are front line employees, required to show up each day despite risks to their health and the health of their families. Teachers will be critical to our city's economic recovery.

Good morning. I am Elizabeth Davis, President of the Washington Teachers' Union (WTU). The WTU represents 5,000 active and retired teachers. We are dedicated to social and educational justice for the students of the District of Columbia and to improving the quality of support, resources, compensation and working conditions for the public servants and proud teachers who educate our students. Many of our WTU members live and pay taxes in the District and have kids or family members that attend DC schools. I am a DC teacher and DC resident.

When Mayor Muriel Bowser made the decision to close our public schools and move to distance learning earlier this year, it was to protect the lives of our students, teachers, school staff and school leaders. It was the right choice. However, in spite of the dedication and best efforts of our teacher members, far too many students in the District of Columbia continue to be stymied in reaching their full potential because of the barriers they face in our schools and in our communities.

The novel coronavirus has highlighted the barriers our students – and teachers – face and the challenges that they must overcome to succeed. The barriers – crime, poverty, unemployment, the Digital Divide – that have received more attention across our city during this crisis are not new. We have long known that they have existed and our city has failed to confront them for too long. They impact the achievement of our students (Appendix 1) and their impact on success of our teachers and schools is codified into law.

DC Municipal Regulation § 1-617.18 prohibits DC Public Schools evaluation systems from being a subject of collective bargaining, making labor-management collaboration impossible on this crucial element of any effort to improve our public schools. And, we again, call for this committee and the Council to pass the "Equitable Evaluations for D.C. Public Schools Employees Act," introduced by Councilmember Trayon White, that would mandate that teacher evaluation systems be a subject for negotiations between DCPS employees and DCPS administrators.

Survey after survey shows that the District's IMPACT teacher evaluation system is the leading cause of the District's tragically high rate of teacher turnover. Every year, we lose some of DC's best educators to other school districts. This has created an unstable learning environment for thousands of DC students who are prevented from developing the long term relationships with educators that lead to improved learning and performance. It is time that we end the link between the evaluation of our teachers and the opportunity gap that plagues our city.

I am also here today to express my opposition to provisions in Mayor Muriel Bowser's FY2021 Budget proposal that would freeze wages for DC Government employees for a period of four years. We recognize the impact that the COVID-19 pandemic has and will continue to have on the ability of the DC government to maintain a balanced budget; however, the decision to eliminate annual salary increases of the workers, many of whom – including teachers – are first responders during this pandemic, not only is unjust, but also interferes with the collective bargaining process as provided in DC Code, Section 1-617.17.

To help speed our city's recovery, we should be investing more in our workforce not less. As you are well aware, several labor unions have negotiated enforceable collective bargaining agreements that provide for wage increases for FY2020 and beyond. During negotiations, labor and management make certain concessions designed to reach an agreement on all compensation issues. Wage increases are only one aspect of these agreements. It is well established that labor may make concessions on annual wage increases in exchange for improvements elsewhere in an agreement and it is wholly inappropriate to excise one piece of an agreement through a rushed legislative process. Moreover, excluding by legislation the opportunity to negotiate annual wage increases for the next four years abrogates the collective bargaining process.

There are other more just methods to balance the budget, including efforts to increase revenue that avoid unilateral changes to the collective bargaining process. Teachers and other public sector employees will be on the front lines, exposed to the novel coronavirus as we reopen our schools. At this time, we should be investing in these workers not usurping their rights to collective bargaining.

As we emerge from this crisis, we hope to work with our city's elected leadership to re-examine the impact of the digital divide and opportunity gaps on our students, reform our teacher evaluation and school accountability metrics to de-emphasize federally-mandated standardized tests that reflect these gaps, and to prioritize reforms to close the achievement gaps that plague our public schools. We believe that our teachers and other frontline workers who bear an intense burden should not bear the brunt of the economic shutdown.

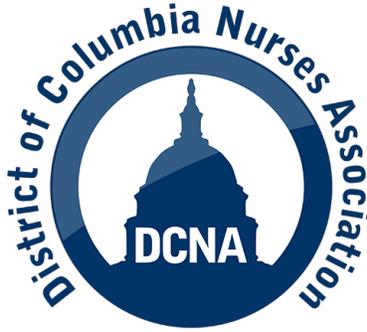
The WTU stands ready to collaborate with all stakeholders in order to ensure our city's teachers and education workforce are protected and that all students have access to great educational opportunities. I would be happy to answer any questions that you have.

## Appendix 1.

District of Columbia PARCC Results	State ELA % 4+				4-year Growth
	2016	2017	2018	2019	
All Students	26.7%	30.5%	33.3%	37.1%	10.4%
White	74.3%	82.0%	82.1%	85.0%	10.7%
Black	19.3%	22.0%	24.7%	27.8%	8.5%
Hispanic	24.7%	28.9%	32.0%	37.3%	12.6%
Asian	55.7%	66.2%	71.6%	74.0%	18.3%
At-Risk	13.2%	15.8%	18.4%	21.1%	7.9%
English Learners	13.8%	1.5%	18.8%	19.7%	5.9%
Students with Disabilities	5.4%	4.8%	5.7%	7.9%	2.5%

PARCC Scores	State Math % 4+				4-year Growth
	2016	2017	2018	2019	
All Students	24.8%	26.9%	29.4%	30.5%	5.7%
White	71.0%	75.5%	78.8%	78.8%	7.8%
Black	17.4%	18.6%	20.7%	21.1%	3.7%
Hispanic	22.0%	28.2%	28.2%	30.5%	8.5%
Asian	59.7%	64.5%	69.8%	69.4%	9.7%
At-Risk	12.9%	14.2%	15.7%	16.3%	3.4%
English Learners	18.5%	21.2%	20.9%	22.7%	4.2%
Students with Disabilities	6.4%	5.3%	6.4%	7.2%	0.8%

Source: <https://osse.dc.gov/parcc>



**DISTRICT OF COLUMBIA NURSES ASSOCIATION  
COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**

**Fiscal Year 2021 Budget Hearing**

**TESTIMONY, May 27, 2020**

My name is Wala Blegay and I am the staff attorney for District of Columbia Nurses Association (DCNA) and we represent the nurses in the District of Columbia. We are a full-service professional organization and labor union solely dedicated to representing health care professionals in the District of Columbia. With over 2,100 members, DCNA advances the health care profession by fostering high standards of practice, promoting the economic and general welfare of employees in the workplace and lobbying District officials regarding health care issues. We are bringing our concerns regarding the pay freezes in the Mayor's Fiscal Year (FY) 2021 Budget and Financial Plan. DCNA has been informed that the Mayor intends on implementing the pay freeze from now until 2024.

This is concerning for DCNA because many of our members were on the frontline of the COVID-19 pandemic and deserve a raise and hazard pay. We represent nurses at Department of Behavioral Health (DBH) and Department of Youth and Rehabilitation Services (DYRS) who are on the frontlines of the COVID-19 pandemic

working in dangerous working conditions. Our members at St. Elizabeth's, CPEP and DYRS in March and April worked in dangerous working conditions where the District officials refused to provide them with proper protective equipment (PPE) when there were concerns of patients who had possible COVID-19 symptoms or interacted with individuals who were COVID-19 positive. Many District officials ignored the concerns of our members. At St. Elizabeth's, over 30 nurses tested positive for COVID-19 and they witnessed the death of multiple patients. At CPEP and DYRS, at least 4 nurses tested positive for COVID-19 and one nurse has COVID-19 in the brain.

In April, DCNA sent out a demand for more testing for health care workers because of the vast concern by our members that they were being encouraged to work with staff who were COVID-19 positive without protection. Many of our members worked in units where there was a delay in informing nurses that they had direct contact with someone who tested positive for COVID-19. Many District officials informed nurses that despite their direct contact with someone who was COVID-19 positive, they were not allowed to quarantine until they were showing symptoms. This directive was given despite the clear evidence that COVID-19 is contagious regardless of whether the person was asymptomatic. Additionally, nurses were encouraged to reuse PPE despite the danger of contamination.

These unsafe practices caused many nurses, including those who had underlying health conditions, to test positive for COVID-19. Many nurses, who have children and families, infected their families or were forced to quarantine away from their families. One nurse who was infected with COVID-19 reported that due to her COVID-

19 infection, her entire family is COVID-19 positive including her husband and son. We even had a nurse who was in ICU due to COVID-19.

In light of the unsafe working conditions that our nurses experienced, our nurses deserve a raise and hazard pay. On April 13<sup>th</sup>, DCNA sent a hazard pay proposal to Director Lindsey Maxwell of the Office of Labor Relations and Collective Bargaining. Our heroic nurses have made the sacrifice during this crisis and should be rewarded with pay raises and hazard pay. DCNA is preparing for negotiations and we intend to include raises in our negotiating proposals from FY2021 to 2024. DCNA is requesting pay raises and hazard pay for our members. Thank you.

Sincerely

A handwritten signature in black ink, appearing to read 'Wala Blegay', with a long horizontal flourish extending to the right.

Wala Blegay, Esq.

## COMMITTEE ON LABOR

Thursday, May 28th, 2020, 9:00 a.m.

Dear Chairperson Silverman and members of the Committee on Labor,

My name is Nathan Luecking, and I am a clinical social worker at Anacostia High School through the Department of Behavioral Health School Mental Health Program. I also sit on the Mayor's Coordinating Council on School Mental Health and was a member of the 2017 Task Force on School Mental Health. I'm here today as both a mental health professional and a member of 1199 SEIU, to express why the Mayor's proposed COLA cuts to essential mental health employees are misguided and dangerous to our city's COVID-19 recovery plan. The Mayor's office has presented a false choice between pay cuts and layoffs, when what we need right now are abundant and well-paid mental health professionals.

As many of us have experienced, the emotional pressures of social isolation and loss are real. Once you factor in housing instability, loss of employment, and grief, we see how maintaining our mental health is essential to surviving this crisis. The social workers at DBH are providing social emotional support to our students, teachers, parents, and to some of the most vulnerable populations across the District at St. Elizabeths Hospital and CPEP. We recently launched a Virtual Family Assistance Center, staffed with DBH social workers to provide crucial support to families who have lost loved ones to COVID-19. In the coming months and years, having a fully-staffed workforce of mental health professionals will be necessary for our city's recovery.

If we fail to provide these critical employees with a COLA, in a region that has some of the highest cost of living, we risk losing our workforce to other municipalities or the private market. Mental health professionals are at a premium, and this area has no shortage of people who will pay top dollar to pull them away from public service. With the rise in teletherapy, a licensed therapist could operate a private practice from home and earn a six-figure income without the overhead of office space.

If we as a community believe in mental health treatment, and we believe that mental health treatment is necessary to heal from unprecedented levels of grief and loss, it would be unwise and irresponsible to let this critical workforce slip away. Let us not be short sighted. Let us provide for the mental health professionals who will be critical to our city's recovery.

With urgency,

Nathan Luecking, LICSW  
Clinical Social Worker  
DC Department of Behavioral Health

School Mental Health Program - Anacostia High School  
1601 16th St SE, Washington DC 20020  
(c) 202-503-7331  
[Nathan.luecking@dc.gov](mailto:Nathan.luecking@dc.gov)

Committee on Labor and Workforce Development  
Elissa Silverman, Chair  
Department of Employment Services  
Budget Oversight Hearing  
John A. Wilson Building  
May 28, 2020

Testimony of Trupti Patel, ANC Commissioner-2A03

My name is Trupti Patel, and I am the ANC Commissioner for 2A03. I also happen to be a tipped worker and proud member of the Restaurant Opportunities Center - Washington DC (ROC DC). ROC DC exists to improve the working conditions in restaurants and protect tipped workers from wage theft.

On March 18, 2020 I was laid off along with thousands of restaurant workers due to Covid-19. However, the trauma of having lost our livelihood was amplified by the failure of the Department of Employment Services (DOES) Unemployment Insurance (UI) portal. The UI portal is built on platforms that utilizes technology that is inefficient and extremely outdated. As a result of this the website could not handle the amount of claims submitted causing the site to crash and then would force workers to overwhelm the phone lines.

I myself experienced the horrendous wait times on numerous occasions. The average wait time reported by media outlets was 11 hours.

The 2020 budget granted forty-six million dollars to DOES for the sole purpose of modernizing the UI portal. Only 7 million was spent towards the effort. DOES is woefully understaffed as the many allegations of wage theft filed with DOES takes weeks before action is taken. Many of the recommendations throughout the years at hearings just like this one never seem to get carried out. We deserve an agency that is modern and proactive not the current one that we have which is archaic and reactive.

As of May 27, 2020 DOES reported 104,833 new claims filed since March 13, 2020. The claims keep growing but yet claims are still not being paid out in a timely fashion. People are still waiting 3 to 4 weeks for payments. There are colleagues still waiting for their claims to process from the first wave, which is 9 weeks. This is intolerable and should not be accepted.

The DC Council and DOES must not be viewed as barriers to workers. If DOES utilizes their allotted budget efficiently and with due diligence it will be viewed as it was intended as a much valued resource for the workforce to weather the uncertainty and anxiety of being unemployed.

Sincerely,

Trupti Patel  
ANC Commissioner, 2A03



# Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

May 28, 2020

Councilmember Elissa Silverman  
Chair, Committee on Labor and Workforce Development  
Council of the District of Columbia  
1350 Pennsylvania Avenue NW, Suite 408  
Washington, DC 20004  
[esilverman@dccouncil.us](mailto:esilverman@dccouncil.us)

**RE: DC Council Committee on Labor and Workforce Development’s  
Upcoming Budget Oversight Hearing on the Department of Employment  
Services**

Dear Councilmember Silverman,

At its regular meeting on May 20, 2020, Advisory Neighborhood Commission 2A (“ANC 2A” or “Commission”) considered the above-referenced matter. With seven of eight commissioners present, a quorum at a duly-noticed public meeting, the Commission voted unanimously (7-0-0), after a motion made by Commissioner Patel and seconded by Commissioner Harnett, to adopt the following resolution:

WHEREAS, as a result of the coronavirus pandemic, new unemployment insurance claims in the District of Columbia, as of May 19, 2020, have reached an unprecedented level, with 100,588 new claims in just eight weeks,<sup>1</sup>

WHEREAS, the Department of Employment Services (DOES) needs to immediately prioritize the long-delayed modernization and properly allocate funds so that unemployment benefits are processed and dispensed in a timely fashion,

WHEREAS, the DOES unemployment insurance portal operates on an antiquated website, best accessible to the public on severely outdated browser software, and with a need to rapidly scale the software, it failed, resulting in confusion and an overwhelmed hotline which resulted in wait times of as long as 11 hours,

WHEREAS, these challenges exacerbate anxiety among workers who are unable to access benefit payments and are unable to pay time-sensitive bills,

WHEREAS, the FY 2020 budget allotted \$46 million for the modernization of the unemployment insurance portal, but no part of that modernization was substantially complete before this crisis began,

---

<sup>1</sup> DC Preliminary Unemployment Insurance Claim Filings as of May 15, 2020. *Department of Employment Services*. May 17, 2020. [https://twitter.com/DOES\\_DC/status/1263095023375126528](https://twitter.com/DOES_DC/status/1263095023375126528)



# Advisory Neighborhood Commission 2A

“Serving the Foggy Bottom and West End communities of Washington, D.C.”

WHEREAS, learning from the lessons of HealthCare.gov and the 2014 Veteran Affairs scandal, cities, states, and the federal government have created digital service response teams to rebuild and rethink public-facing government technology tools, and<sup>2</sup>

WHEREAS, if the District of Columbia had a team of technologists that had the authority to oversee and manage agency and cross-agency technology projects, challenges we have seen in scaling digital tools, like the DOES unemployment insurance portal, would be more resilient in future crises.

THEREFORE, BE IT RESOLVED that ANC 2A urgently encourages the DC Council’s Committee on Labor and Workforce Development to develop a plan to prioritize the modernization of the DOES unemployment insurance system.

BE IT FURTHER RESOLVED that ANC 2A urges the DC Council to introduce legislation to create a District Digital Service, outside of the Mayor’s Office or the Office of the Chief Technology Officer (OCTO), to address other longstanding government technology challenges before they need to be depended on in a crisis.

Commissioners Trupti Patel ([2A03@anc.dc.gov](mailto:2A03@anc.dc.gov)) and Patrick Kennedy ([2A01@anc.dc.gov](mailto:2A01@anc.dc.gov)) are the Commission’s representatives in this matter.

ON BEHALF OF THE COMMISSION.

Sincerely,

Patrick Kennedy  
Chairperson

CC: Dr. Unique Morris-Hughes, Director, Department of Employment Services  
Lindsey Parker, Chief Technology Officer of the District of Columbia  
Chairman Phil Mendelson  
Nicole Goines, Mayor’s Office of Community Relations and Services

---

<sup>2</sup> Mitchell, Billy. “How the U.S. Digital Service is helping during the coronavirus pandemic.” *Fedscoop*. April 23, 2020. <https://www.fedscoop.com/usds-digital-services-coronavirus-projects/>

**Testimony of Venorica Tucker**  
*Restaurant Worker Member of Restaurant Opportunities Center of DC*

Dear Committee on Labor and Workforce Development,

Thank you for hearing our testimonies today. My name is Venorica Tucker, I am a long-time DMV resident, restaurant worker and a member of the Restaurant Opportunities Center of DC.

Today I would like to speak to a variety of issues that have affected my friends and colleagues through this pandemic.

**(1) Unemployment Access**

- (a) As a shop steward, many of my coworkers came to me for support with filing for Unemployment after we were all laid off. Many of my coworkers speak English as a second language and have limited access to technology. Aside from having outdated tech platforms for UI, there was no active outreach or support for workers who may have had issues figuring out how to apply, especially for those with language access needs. Even when calling on the phone there was no Amharic option. In addition, there has been very little information from the department regarding how Unemployment benefits will be affected when employees are asked to return to work at lower capacities, which in turn means lower earnings. More importantly, there has been no information about what happens when an employee decides not to return to work because of fear and anxiety of exposure. This is a **huge** concern for industry professionals like myself. We are very worried the reopening of the District is being rushed without sufficient concern for how workers will cope with potential exposure, or how suggested guidelines for employers to keep employees and patrons safe will be enforced. We need more information from DOES to help workers know and understand how workers will be protected and laws enforced to ensure that protection.

**(2) Cash Assistance for workers who could not access Unemployment benefits**

- (a) For those who are excluded from receiving Unemployment, their situation is much more dire. For the past 3 months, workers have struggled to provide for themselves and their families. It is unconscionable that there has still been no attempt from the City Council or DC Government, aside from the 5 million allocated by Events DC, to support these workers- many of them my colleagues and my friends! They support the DC economy with their labor and their tax dollars. Why aren't we supporting them in their most desperate time of need!? Above all else, they are people, with families, and loved ones that depend on

them like you and I. They should not have to make the decision between their health and their financial livelihood.

### **3. Paid Sick Leave**

(a). The last thing I would like to address is the need for enforcement and extension of the current Paid Sick Leave law. Enforcement of paid sick leave was already much to be desired before the onset of Coronavirus. My new concern, along with so many of my colleagues, is how we will be able to rely on this protection after re-opening. Five days within a year will not be sufficient in the event a worker needs to self-quarantine due to potential exposure. What happens when a person is recommended to self-quarantine by a physician with only 5 days for the year of protection under the Paid Sick and Safe legislation? What happens when an employer decides to fire an employee for quarantining for 14 days after restrictions have been lifted? I hope that the Labor Committee intends to take these potential occurrences seriously. I hope the intent is to do all possible to ensure the safety and well-being of workers, patrons, and employers. Access to paid sick leave is a huge public health concern, especially in the time of the Coronavirus pandemic!

Thank you for allowing me to testify and relay the concerns of myself and my fellow industry colleagues. We look forward to continuing to work with the Labor Committee to address the concerns of DC Residents and tipped workers across industries.

Kind Regards,

Venorica Tucker

Tipped Worker & ROC- DC Member



Testimony of Alexia T. Jones  
Workforce Development Job Developer  
Collaborative Solutions for Community  
Under UPO Community Service Block Grant

Date: May 27, 2020

Good Afternoon, my name is Alexia T. Jones, I am the Workforce Development Job Developer at Collaborative Solutions for Communities (CSC). Today I am here to testify, about the commendable work CSC is doing for the residents of the District of Columbia. The workforce development program is funded through the United Planning Organization Community Service Block Grant.

What makes CSC workforce development program special is our strong desire to build up DC Residents by providing intensive services to our at-risk adults and youth. We have created a robust intake process, Trauma Informed Care Training, Healing Circle, Family Group Conferencing, Thinking for Change integrated cognitive behavioral curriculum as well as the Trainers, Career focused Job Development and Intensive Case Management.

CSC workforce development program has collaborated with inhouse programs such as the Violence Intervention team and Rapid Rehousing Youth to strategically strengthen the communities by helping them gain sustainable employment. This fiscal year, thus far we were able to help **55** clients retain employment; even as we work through COVID-19 crisis, CSC has sent clients on interviews and has provided individual coaching.

The clients are provided job coaching, resume building, interview preparation, case management, financial literacy, and transportation assistance. While working at CSC, I have developed the attitude that failure is not an option. CSC goes beyond the call of duty, by driving our clients to interviews and even taking time to buy them interview clothing. We all believe in setting the clients and the employers up for success. We believe that we can help develop and bring out the best in each client.

Last year, we assisted **79** graduates with retaining employment by studying industry demands and building on each client's transferrable skills. The graduates are not only obtaining employment, they have grasped the concept of what it is to have great retention in the workforce. The United Planning Organization and CSC partnership is giving DC residents an opportunity to

---

W E A R E C S C . O R G

3333 14TH STREET, NW  
SUITE 200  
WASHINGTON, DC 20010  
(202) 518-6737  
(202) 518-6742 FAX

2811 PENNSYLVANIA AVENUE SE  
SUITE 203  
WASHINGTON, DC 20020  
(202) 733-5403  
(202) 733-5406



experience what it means to be a law-abiding citizen. The funding from UPO affords CSC the opportunity to help our participants realize their potential and the possibilities that lies ahead.

It is our hope that you will continue to fund the workforce programs so that we can provide employment and training resources to the residents of the District of Columbia.

Thank you

---

W E A R E C S C . O R G

3333 14TH STREET, NW  
SUITE 200  
WASHINGTON, DC 20010  
(202) 518-6737  
(202) 518-6742 FAX

2811 PENNSYLVANIA AVENUE SE  
SUITE 203  
WASHINGTON, DC 20020  
(202) 733-5403  
(202) 733-5406

Dear Members of the Workforce Development Committee,

I am writing on behalf of the Committee of Interns and Residents (CIR) members who work as Dental and Psychiatry Residents at St. Elizabeths Hospital. We need to express our concerns with the Mayor's budget proposal to freeze the wages of all District of Columbia (DC) employees, not recognize current union contracts, and not bargain with unions that have expired contracts.

As District of Columbia (DC) essential employees, we serve our community every day, including in times of crisis. We care for the most severely mentally ill patients in one of the most costly metro areas in the nation. St. Elizabeths Hospital continues to function despite a significant ongoing COVID outbreak amongst patients and staff thanks in large part to the dedication of the Psychiatry Residents and other workers at the hospital. We have been on the front lines providing treatment at almost a dozen clinics and hospitals around DC while also continuing to provide outpatient mental health care throughout the community. Many of us have rearranged our lives to work directly with COVID positive or suspected positive patients while trying to protect loved ones at home. During this, a number of our colleagues have been infected and remain on the road to recovery today.

This moment requires our city's leaders to take an equitable, balanced approach to our budget in order to ensure citizens' and workers' needs are met. Program cuts, salary freezes, and status quo funding levels are not inevitabilities--they are choices. Our leaders must choose to lessen the financial blow of this pandemic by looking to new revenue opportunities to meet our ongoing financial needs. Even with implementing a higher tax rate, DC's wealthiest residents would still be financially stable due to the massive federal tax breaks they have received in the past few years. It is time for us to create a better future for all, including our city's most financially vulnerable, by asking those with the greatest resources to contribute to the wellbeing of our community. We must also strategically utilize our reserves and reverse corporate tax breaks that only further the wealth of the few. Revenue strategies like this can ensure the District of Columbia has enough funds to provide all city employees with necessary and much deserved cost of living increases.

The currently proposed budget plan shows complete disregard for District of Columbia employees and the union contracts they have worked tirelessly to negotiate. In making these financial decisions, our leaders can and should do better.

Sincerely,

Kelsey Hobart, MD  
PGY-1 Psychiatry Resident

Saint Elizabeths Hospital  
DC Department of Behavioral Health  
1100 Alabama Ave SE Suite 238  
Washington, DC 20032

For the latest information on the District Government's response to COVID-19 (Coronavirus), please visit [coronavirus.dc.gov](https://coronavirus.dc.gov).



**TESTIMONY OF KIM DREUX-KELLY  
THINK LOCAL FIRST DC**

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

**Fiscal Year 2021 Budget Oversight Hearing on the Department of Employment Services**

**June 4, 2020**

Thank you Councilmember Silverman, members of the Committee on Labor and Workforce Development, and staff. My name is Kim Dreux-Kelly and I am a member of the Executive Management Team of Think Local First D.C. (“TLF”). TLF is a District-based nonprofit organization that was established in 2006 and is dedicated to supporting local independent businesses in our nation’s capital. Our mission is to support responsible local business and businesses and create the conditions in which they thrive, in order to make the District a more vibrant, inclusive, and equitable place to live, work, and play. We believe that local businesses are the backbone of our economy and are better positioned to respond to the needs of our community and are inherently tied to the future of the District.

I appreciate the opportunity to testify today on the Fiscal Year 2021 budget for the Department of Employment Services (DOES). Specifically, I want to suggest that the Committee give greater flexibility to the Claimant-Employer Advocacy Fund, which is vital for the integrity and efficiency of the District’s unemployment compensation program that is more important now than ever.

In just the past three months since the public health emergency was declared, DOES has received more than 100,000 unemployment claims. The Council acted quickly to utilize unemployment compensation as backstop for the economy by expanding eligibility through the COVID-19 Response Amendment Act on March 17. Congress eventually followed with the CARES Act, authorizing Pandemic Unemployment Assistance, for individuals like business owners who may not otherwise be eligible for unemployment, and Federal Pandemic Unemployment Compensation, which provides \$600 in additional weekly payments, helping to minimize or eliminate wage loss.

This experience has demonstrated just how critical the unemployment compensation program is for the District's small businesses and workers. We have seen employers assisting their employees in applying for benefits, while applying for benefits for themselves, in order to weather furloughs, layoffs and reduced hours so that we can all emerge from the emergency and be a part of our city's recovery. For many businesses and employees, this may have been their first interaction with the unemployment system. It has taken a lot of research, time, and uncertainty as we have tried to navigate the system and makes sure that benefits and employer contributions are being administered accurately and quickly.

To the Council's credit, it has long recognized the need to provide assistance to both employees and employers in navigating the District's unemployment process. In 1985, it established the Claimant-Employer Advocacy Fund ("Fund") to support assistance to and legal representation for claimants and employers involved in appeals of unemployment claim determinations made by DOES. This program, funded by interest and penalty payments collected from employers, plays a valuable role in protecting the integrity and efficiency of the District's

Unemployment Compensation Fund so that this lifeline can be available even in emergency times like these.

We are pleased that the Committee has been considering ways to update the Claimant-Employer Advocacy Fund so that it meets the needs of our present-day reality. One way this might be done is by broadening the types of organizations that are eligible to be a resource for employers via the Fund. From an employer's perspective, this would be helpful in ensuring that the full spectrum of D.C. businesses, regardless of their location, background, association affiliation, or size, can access the important services the Fund supports. Now more than ever ensuring as much assistance is provided to our small business owners/District employers is appropriate and needed to ensure all small businesses can thrive and reemploy our residents as the District moves thru the stages of Reopening.

Moreover, the sudden large volume of claims means that more assistance is going to be needed. By making this change as part of the current budget process, the Committee can provide a valuable, accessible resource to all D.C. employers as we work toward recovering as a more prosperous and equitable city.

I am thankful to Councilmember Silverman and your staff for your attention to this issue. Thank you for the opportunity to testify. I am happy to answer any questions you may have.

**Testimony to the Committee on Labor and Workforce Development  
The Budget Oversight Hearing on the  
Department of Employment Services**

**Stella Makuza  
Peer Educator, The Young Women's Project**

**May 28, 2020**

Hello Chair Silverman and the members of the Committee on Labor and Workforce Development. I am Stella Makuza, resident of Ward 5, and I am a 16-year-old rising senior and Benjamin Banneker Academic High School. I am an active member of my school and neighborhood communities and my work was recognized by the New York Times 1619 Project. I have completed over 150 hours of community service around DC and I am involved with different organizations and campaigns around DC. I am also a member of numerous clubs at my school. as well and involved with different clubs at my school. I started working with the Young Women's Project in July of 2019 distributing safe sex materials, making referrals, answering questions, doing classroom presentations, and recording data. The organization helped me develop personal and interpersonal skills as well as increased my interest in public health and physiology.

**Today I ask you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

Like many young people, I was eager to enter the workforce and gain a sense of independence. I started by looking for that golden internships that many adults talk about, but I quickly realized that this is an opportunity that just doesn't exist. I began looking for jobs after 8th grade, but no one was hiring 14-15-year-olds, especially during the school year. I also did not have real work experience aside from volunteer work that I had done at church and the recreation center besides my old middle school. I became very discouraged that summer because I was ineligible to participate. I was falling into misery because I was not being productive and getting further away from my biggest dream, independence.

Eventually I was eligible for SYEP and I wasted no time to apply and turn in the appropriate documents. My first job was with the Marion Barry Youth Leadership Institute (MBYLI). My position started June 2019 and I absolutely loved it. Luckily, it is also a DOES

program and it carried into the school year. I plan to work with them again during this summer, next school year and the summer after graduation. I felt it was a valuable job because it prepared me for post-secondary education while making me an active member of my community. Being a youth leader for the organization is something I pride myself in for several reasons. I was able to volunteer for the Congressional Black Caucus, Santa's House and I helped develop legislation with the YMCA as the elected Ward 5 youth council member. Later on, I got a job with YWP doing the tasks I mentioned earlier. I am grateful for the opportunities that these two organizations have given me. Because of them I have mapped out my career and developed my character and many aspirations while being able to finance things that I did not want to burden my parents with.

As a person who volunteers a lot and has gained work experience, I understand the true value of early work experience and how it builds character and improves career development. Youth needs opportunities, ideally work that they are proud of, so that they do not put false information on their resume or on applications just to get a job. There need to be opportunities during the school year rather than just during the summer. Early work experience will build a passionate and powerful workforce of the youth years to come.

### Pilot Program Recommendation

**I recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for the opportunity to testify and share our recommendations.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the Department of Employment Services**

**Sorayde Beras  
Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Greetings Chair Silverman and members of the committee. Thank you for the opportunity to testify today. My name is Sorayde Beras. I am a Ward 3 DC resident and a student at Wilson High School. Currently, I am the Public Affairs officer in my school's JROTC Academy. This fall I will be a freshman at Johnson & Wales University. I have been a Peer Educator with the Young Women's Project (YWP) since July 2018 and now I am a Youth Advocate working on educational issues. YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities. I've been working with YWP since September on the Education Team where we review learn about government, collect information from our peers, and educate our peers on important issues.

**I am here to ask you to support a \$576,000 budget allocation for a year-round employment pilot program run by the DOES-Office of Youth Programs (DOES-OYP) for high school students. Through this program high school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses.**

Last summer I worked at a summer camp through MBSYEP called Kids Elite. I found out about the position through my school (Wilson High School). I worked as a camp counselor assisting kids with sports activities. I really enjoyed the work mostly because I knew the other coaches and camp instructors. I had to maintain a high level of professionalism because parents were trusting us with their kids for the whole day and therefore, we had to take our work seriously. I learned a lot about communicating positively and assertively.

During the summer of 2018 I participated in a journalism internship at UDC through MBSYEP as well. I learned a lot about current issues and the instructors had us write news articles on a current event of our choice. Aside from working on writing, we also learned about coding and computer networking. I learned a great deal about technology and how websites work. I was hired as a YWP Peer Educator in 2018 when I was in the 11th grade. I found the job through friends who were already working as Peer Educators. I have learned a lot about sexual health. On the Advocacy team I have learned about current education issues faced by DC youth.

I think that early work experience is important for teens because it trains us for the real world, and it teaches us some of the basics of being in the workforce. There are opportunities for teens to find jobs but we often feel like we don't get paid enough or it is hard to get the right schedule since we are in school most of the day. Near my school there is a new Target

and many Wilson students work there. There are also smaller organizations like YWP who offer after school jobs. We have a college and career center, but they mostly focus on college readiness and next steps after graduation which are critical but do not necessarily help us with present time employment.

### **Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for taking the time to listen to my testimony.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the Department of Employment Services**

**Sorayde Beras  
Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Greetings Chair Silverman and members of the committee. Thank you for the opportunity to testify today. My name is Sorayde Beras. I am a Ward 3 DC resident and a student at Wilson High School. Currently, I am the Public Affairs officer in my school's JROTC Academy. This fall I will be a freshman at Johnson & Wales University. I have been a Peer Educator with the Young Women's Project (YWP) since July 2018 and now I am a Youth Advocate working on educational issues. YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities. I've been working with YWP since September on the Education Team where we review learn about government, collect information from our peers, and educate our peers on important issues.

**I am here to ask you to support a \$576,000 budget allocation for a year-round employment pilot program run by the DOES-Office of Youth Programs (DOES-OYP) for high school students. Through this program high school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses.**

Last summer I worked at a summer camp through MBSYEP called Kids Elite. I found out about the position through my school (Wilson High School). I worked as a camp counselor assisting kids with sports activities. I really enjoyed the work mostly because I knew the other coaches and camp instructors. I had to maintain a high level of professionalism because parents were trusting us with their kids for the whole day and therefore, we had to take our work seriously. I learned a lot about communicating positively and assertively.

During the summer of 2018 I participated in a journalism internship at UDC through MBSYEP as well. I learned a lot about current issues and the instructors had us write news articles on a current event of our choice. Aside from working on writing, we also learned about coding and computer networking. I learned a great deal about technology and how websites work. I was hired as a YWP Peer Educator in 2018 when I was in the 11th grade. I found the job through friends who were already working as Peer Educators. I have learned a lot about sexual health. On the Advocacy team I have learned about current education issues faced by DC youth.

I think that early work experience is important for teens because it trains us for the real world, and it teaches us some of the basics of being in the workforce. There are opportunities for teens to find jobs but we often feel like we don't get paid enough or it is hard to get the right schedule since we are in school most of the day. Near my school there is a new Target

and many Wilson students work there. There are also smaller organizations like YWP who offer after school jobs. We have a college and career center, but they mostly focus on college readiness and next steps after graduation which are critical but do not necessarily help us with present time employment.

### **Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for taking the time to listen to my testimony.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing for the Department of Employment Services**

**Nathalie Tiadem  
Youth Advocate, Young Women's Project**

**May 28, 2020**

Good morning Chairperson Silverman and members of the Committee on Labor and Workforce Development. Thank you for the opportunity to testify today. My name is Nathalie Tiadem. I am a Ward 5 DC resident and a sophomore at School Without Walls High School. I am the founder of our school's photography club, a member of our school's Sister Action Sister Strength Club, as well as our school's WISE club. I've been working as a Peer Educator with YWP since August of 2018 and in the fall of 2019, I was promoted to the Education Team where we learn about government operations, collect information from our peers, and educate our peers on important education issues. **Today I urge you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

Before I started working as a Peer Health Educator at the Young Women's Project, I was self-employed as a babysitter and I was one of the only babysitters in my neighborhood. I started at \$5/hour and then increased my rate to \$20/hour by the end of the summer due to the demand and my availability. In this role, I had to learn about budgeting, time management and communication skills. I had to learn how to adjust my communication skills to who I was speaking to, whether it was a parent or a child. This has helped me now in my role as Peer Health Educator and Advocate.

Early work experiences are important for youth because it helps youth develop skills like communication and group work. This is important because most jobs will require you to work with people. I used to struggle with public speaking, and I disliked working in groups but I have made a lot of progress over the last couple of years.

Students need year-round opportunities because they come from different socio-economic statuses. I have friends that need money to pay for groceries and jobs would help them contribute to their family. It is really hard to get jobs that paid

because not many places want to hire students during the year. It is especially difficult at restaurants. Jobs also help students explore different fields and gain importance experience.

Youth should get paid for their work experience. I am a library volunteer but there are some days that I am organizing books and pay would help with extra motivation. Often when youth complete their community service hours, they leave but if they were being paid or even receiving a stipend, I think they would stay longer.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for the opportunity to share my thoughts and recommendations for improving the DC youth employment system.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing for the Department of Employment Services**

**Meshaun Pratt  
Youth Advocate, Young Women's Project**

**May 28, 2020**

Greetings Chair Silverman and members of the committee. My name is Meshaun Pratt. I live in Ward 8 and attend Duke Ellington School of the Arts. I am in the Vocal Department at Ellington where we showcase our talents through mostly classical and contemporary music. I have received an honor roll certificate for having a GPA of 3.5 or higher every semester of high school. This fall I will attend School Without Walls to finish off my high school career with a blast. Even though they are both great schools transitioning to SWW is the best decision for me career-wise and I am ready for the change.

**My fellow advocates and I are here today to ask you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

I have been a peer educator for the 2019-2020 school year. YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities. I've been working with YWP on the Health Team where we review, learn about the government, collect information from our peers, and educate our peers on important health issues.

My first job was in the summer of 2017 and it was my first year working through the Marion Barry's Summer Youth Employment Program (MBSYEP). I worked at the Anacostia Gospel Church in Southeast, DC under the late Pastor Robert Mathieu Sr. and his son Mr. Robert Mathieu Jr. There, I did a lot of administrative and organizational work. We compiled data, organized files, made phone calls, prepared mailings, and fundraisers all for the Youth Christian Overnight Camp which I attended as well. The camp is devoted to helping low-income and specifically, Ward 8 children get closer to Christ while spending six days away from DC in West Virginia. Because of this job, I gained more compassion towards others and developed my flexibility skills.

My next job was in 2018 at Duke Ellington School of the Arts through SYEP where we created an amazing performance for all the DOES and DPR children to come and enjoy. This play involved topics including immigration, police brutality, and slavery. My time management and creativity skills increased a lot with this job.

In 2019, I worked through SYEP again at the Words, Beats, and Life Program under Mr. Mazi Mutafa. Here, we received multiple opportunities to interview local artists on the radio channel 95.5 on the segment "Live @5!". We also created our own podcasts and beats that involved conversations like police brutality, LGBTQ+ community, and etc. Lastly, and the most fun, we conducted and helped

plan a weekly block party at Gallery Place. We had games, sports, activities, and music for anyone in the community to participate in. This job matured me a lot when it came to time management, organization, creativity, peer communication, and more.

I currently hold a job at The Young Women's Project and have been working there since November 2019. At the Young Women's Project, I have been trained in the sexual health field and as a result, I educate my peers and pass out condoms for free to anyone who may need them. Having this job and opportunity has matured me in so many ways. Before this job, I knew very little about sexual health. The job taught me how to manage my money based on a monthly budget as if I had a real job. It has also given me the experience and outlook as to how my community is doing when it comes to how many are enlightened about the different sexual health topics.

All these jobs have exposed me to what the real world will look like as I get old enough to obtain a full-time job. I am so grateful for the job opportunities because it has made me more responsible and taught me to manage my money. I now have a solid resume for when I start applying for other jobs and for college. Because of this, I believe every young person should have the advantage of getting early work experience. The same things that a job has done for me, can and will be the same a job does for others. It can also help someone discover what career path they may want to take in life and be confident in that decision because of what they experienced at work. I have been able to help take the weight off my mother when it comes to buying necessities such as clothes, shoes, special foods like almond milk, and subscriptions for things she should not have to pay for. I have been able to save money to donate for good causes, pay for trips, and upcoming senior dues and fees. My early work experience has opened so many doors that I never thought would be opened until later in life and it can do the same for every other teenager too.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for listening!

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the  
Department of Employment Services**

**Maniya Porter  
Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Greetings Councilperson Silverman and members of the Committee on Labor and Workforce Development. Thank you for giving me the opportunity to speak today. My name is Maniya Porter, I'm a ward 8 resident and a senior at Friendship Collegiate Academy. Throughout my high school years I've been part of our school's Friendship News Network Program and I am also an Urban Alliance intern. This fall I will attend the State University of New York at Oswego. I hope to become an animator in the future. During my senior year, I've been able to create at least 10 works in my AP Art class. I am a Youth Advocate and Peer Educator at the Young Women's Project. I have been working with YWP for about a year and a half now.

**I testify today to ask that you support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

This school year I had two jobs. I work at YWP as a Youth Advocate and Peer Educator but I was also an intern with Urban Alliance. I was able to continue both during the COVID-19 emergency and sheltering in place. My first job was during the summer of 2017 with SYEP. I was placed at my school (Friendship Collegiate) and the focus of the work was fitness. We exercised by doing laps around the school, worked on our core strength, our arms, and legs. At the end of the summer program we had to present to the group. I did a dance for my presentation. I liked the program because it helped me to see what working was going to be like such as getting places on time and having to work a certain number of hours to get paid. This was the first time I earned my own check.

## Young Women's Project

**YWP East** -- 3938 Benning Road NE, WDC 20019 202.621-8714 [youngwomensproject.org](http://youngwomensproject.org)

**YWP West** -- 1609 Connecticut Ave NW, WDC 20009 202.733.4339

My next job was another summer at my school through SYEP. I didn't ask to be placed there and I wanted to work with animals or have an office job but I ended up enjoying my summer. It appears Friendship likes to select their own students for summer enrichment programming. My work was with the Friendship News Network. We interviewed people on their experiences living in DC. We also developed the types of segments that we would have for our school broadcast that started in the fall. We went to New York for a day trip to interview people on the street in Times Square. I liked the job because I was able to join the Friendship News Network in the fall and the summer work helped to prepare me for my role. I also connected with other members of the Friendship News Network and we are like a family today. This summer I am not sure if or where I will work because I did not register for MBSYEP.

I started at YWP in February 2019. I found the job through a friend who was already working as a Peer Educator. As a Peer Educator I distribute condoms and provide information to my peers on sexual and reproductive health. In the fall of 2019, I transitioned to the Advocate Team. We focus on solving issues within youth employment. At YWP I have learned about the different types of sexual harassment and how the male and female reproductive system works. I have learned about the root cause of many issues such as why schools don't have enough money or why companies might be corrupt.

This year I worked as an intern with Urban Alliance. I found out about Urban Alliance from a peer who was already connected to the organization. I was able to have a half day schedule so I could participate but I have friends who were not able to participate due to scheduling issues. I started last fall in and my work site was at THEARC in SE. I worked in the HR department and I filed papers, scanned documents, and updated the website. I liked the work because it was not stressful and I have lots of time to complete assignments. I learned strategies to manage my time and I learned how to use office equipment. I also improved my communication skills because I had to talk with my supervisors and peers about our assignments. I was happy that I was able to continue working even after the city shut down due to COVID-19. I was able to work remotely and Urban Alliance was also extremely supportive to our needs.

I think that early work experience is important because it helps prepare youth for the future and they can see what type of jobs they might like (or not like). One big reason I have benefitted from working is the money I have made. I use my paycheck to pay my own bills and help my family. I pay our WiFi and I am able to buy necessities such as food, laundry detergent, and school supplies.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for your time!

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing for the Department of Employment Services**

**Karina Venancio Vargas  
Youth Advocate, Young Women's Project**

**May 28, 2020**

Good morning Chair Silverman and members of the Committee Labor and Workforce Development. Thank you for the opportunity to testify today. My name is Karina, I am from ward 5 and I attend McKinley Technology High School as a senior and representative of the class of 2020. My main aspirations revolve around the STEM Biotechnology and I intend to attain a career as a biomedical engineer or nurse. I have taken initiative before in many extracurricular activities such as Acting club and Soccer to gain a sense of leadership. I joined the Young Women's Project (YWP) as a peer educator last year. Now I work advocating for specific social causes impacting D.C. youth, ranging from mental health to other themes such as gun violence. YWP allows me to research and collect data about the lives of everyday teens and stand in this position to speak about it. I am here to discuss youth employment and obstacles in attaining proper quality jobs. A quality job allows youth to be paid at a reasonable amount of money and helps them maintain a flexible schedule. A quality job would benefit us through experience and educational experiences. Like SYEP, it would give us proper professional preparation throughout the school year.

**Today YWP youth advocates ask you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

As the oldest child, I have a responsibility in my family to help earn and add to the income because we do not have a stable financial situation. There are 6 people in my family with one new addition. Currently, I cannot maintain another job as I need to focus on my younger siblings, I am the caretaker while my parents are working. This responsibility to add to the income started in 9<sup>th</sup> grade when I realized that I needed to be more independent because my parents were not able to give me money. I signed up for the Summer Youth Employment Program and began my first job at Brookland Middle School as a peer mediator. I was determined to get as much experience as I could and as much money as I could even if the SYEP payment rate (\$8.25 an hour) wasn't as high for my age group. My next two SYEP jobs were better. I worked at the Organization American Solidaria which is a Latino organization focused on sustainability, which provided real work experience.

In the 11<sup>th</sup> grade, I had an internship through my school with the Howard University Hospital's prenatal department. Although this was an influential internship, I did not feel prepared for the position. My counselor did not communicate with me until a week before my internship started and therefore, I had to rush to get documents and prepare medically in only a week. I learned about many medical careers because I was sent on errands to different laboratories. I was able to connect this to my studies in high school, where my focus is biotechnology.

My friends struggle to get jobs because of their lack of work experience, and they are not able to find internships that focus on their STEM. Many of them work in construction or other jobs to make a stable living. They have strict schedules and are being underpaid. Some of us have to stay more hours in school to study and do extracurriculars that we need for a good resume for college or work opportunities.

There are a couple of solutions I think would help with this issue. There should be more partnerships with STEM-related jobs, organizations, and internships during the school year. Students need flexible options that will work with their schedules. We also need more career preparation opportunities in high schools. There should be more diversity in clubs that prepare students for college, career, and real-life skills. There should be better outreach about the opportunities that exist. An occasional newsletter and group meeting targeted to specific STEM communities in their preferred field will create a beneficial match to appropriate job or internship would be helpful. Lastly, I think that DOES should do a better job to make the jobs more targeted to a specific interest.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for listening to my position regarding youth employment and preparedness. I hope that you take this recommendation into consideration. My name is Karina Venancio-Vargas, thank you again.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the Department of Employment Services**

**Jordyn Brown  
Peer Educator & Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Hello, Chairperson Silverman and members of the Committee on Labor and Workforce Development. It is a pleasure to speak with you to share my experiences. My name is Jordyn Brown, I am 15 years old, I live in Ward 8 and I am a 10th grader at Benjamin Banneker High School. I have also been involved with competitive cheer for the past 8 years. In middle school, I was on the debate team which and I am really good at arguing and getting my point across. I aspire to be a lawyer and plan to attend the University of Pennsylvania for undergrad and law school at George Washington University School of Law. I am also a Peer Educator and Youth Advocate at YWP. YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities. **Today my fellow Youth Advocates and I ask you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

My first job was with YWP as a Peer Educator and it is the only position, I have had outside of SYEP. I started working at YWP last year when I was a freshman in high school. I found the job through a friend who was a peer educator at my school. I filled out the application and went to a weekend training institute. I learned a lot from working at YWP. I've learned the importance of being on time and completing assignments. Working has also helped me to prioritize and balance work, school, and my extracurricular activities. I am on a competitive cheerleading team and that takes a lot of my time as well. I also learned a lot about sexual health. I took a class at school but it didn't go too deep.

Last summer was the first that I was eligible for MBSYEP. I was placed with the Youth Entrepreneurship Institute (YEI) for the summer. With YEI I worked in the culinary arts program learning how to cook and about the importance of food safety. We traveled to Union Market and watched chefs prepare food and then we started to cook on our own. I learned how to prepare seafood and soul food. Our specialties were extra spicy jerk chicken, crab balls, and other delightful items. We also developed our own business plans and learned how to apply for permits through DCRA. My business was called S&S and we used bikes to sell our food around the city.

I really enjoyed my summer work but unfortunately, I had a conflict with one of the supervisors. One of the supervisors acted disrespectfully toward me and other participants. For example, she would talk to us in a degrading way and I had to go to my mother for help. We had a meeting and ultimately I was switched to another group. I had a pleasant summer after the issue was resolved. I learned a lot during my summer job. I learned that starting a business is more difficult than others might think. Time management was important because I was balancing mandatory summer school assignments from Banneker, my summer job, and cheerleading. Even though the conflict with my supervisor was unpleasant I learned that sometimes you have to learn how to bite your tongue for the better. Many of the things I wanted to say when I was experiencing the conflict with my supervisor would have cost me my job and if I

lost my job I wouldn't have the money or experience. This summer I am not planning to work but rather relax and hopefully take some road trips.

I think that it is important to start working young because you will better understand what to expect in the working world. You can also see some of the good and bad things that come with working. You won't think that everything will go your way. Having a job teaches you that someone might not like you (or you them) but you will still have to communicate positively. Last summer I learned that even adults give problems to youth when they shouldn't. Most importantly I learned that I can try to resolve problems in a respectful way but if that doesn't work it is okay to seek help from others. Conflict is unavoidable but you can get through it as long as you know how and have the skills. There are a lot of opportunities to work during the summer thanks to MBSYEP. Over 10,000 youth participated in summer jobs last summer. During the school year, there are significantly fewer opportunities for high school students through DOES. DOES has a responsibility to provide more employment opportunities for youth during the school year--they can use the same approach as the summer. They already know it works.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for the opportunity to weigh-in.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the Department of Employment Services**

**Janay Curtis  
Peer Educator  
The Young Women's Project**

**May 28, 2020**

Greetings Chairperson Silverman and members of the committee. My name is Janay Curtis and I am an 11th grader at Thurgood Marshall Academy. I live in Ward 8. After high school I hope to attend college but I am not sure where I will attend. I want to pursue a career as a cosmetologist and businesswoman. I will own my own salon. I work as a Peer Educator Young Women's Project (YWP). YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities.

**I am here today to ask you to support a \$576,000 budget allocation for a year-round employment pilot program run by the DOES-Office of Youth Programs (DOES-OYP) for high school students. Through this program high school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses.**

It is important for teens to have work experience while we are in high school because as we get older we will need to know what we are supposed to do at jobs. We will be able to better understand what managers want, how to be respectful at work, and how to greet people. I started my job at YWP as a Peer Educator in the fall of 2019. I found this job when the YWP staff came to our school and did a presentation. I like that I get to learn about sexual and reproductive health and I also get to tell others who were lost like me about what I have learned.

Last year I participated in MBSYEP and my work site was at a hair salon in SE. I swept the floors, cleaned the mirrors, took out the trash, and washed clients' hair. The owner also took the time to teach us how to do braids or relax customers' hair. I liked seeing what being in a salon was like. I met clients and experienced what it is really like to work in a salon. I am interested in owning my own salon one day so it was a good match. This summer I would like for Ward 8 youth like me to have a summer position that might turn into a job

that we would have during the school year. I feel as though with this virus and lock down I might not have a job or get paid. I feel very frustrated with it all.

Working helps teens to better manage their money. We have to learn how to balance wants and needs. Youth should not just spend money on things like new shoes but also save some for emergencies. I spent my money on needs like toiletries, clothes, or getting my hair done. I also pay my own cell phone bill. I also budget money for spending time with friends. Working and having my own money helps me to be independent and it also means I don't have to ask my mom for money. Right now youth know that they can find work in the summer through SYEP but during the year there are fewer opportunities. I am glad that I found my YWP job.

### **Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thanks for taking the time to listen to my testimony.

**Testimony to the Committee on Labor and Workforce Development  
Budget Oversight Hearing on the Department of Employment Services**

**Destiny Fogle  
Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Good afternoon Chairperson Silverman and members of the Committee. My name is Destiny Fogle, I live in Ward 7 and I am a 17 years old graduating senior at Eastern Senior High School. I will attend Norfolk State University in the fall and I plan to study Early Childhood Education. I work as a Peer Educator and Youth Advocate with the Young Women's Project (YWP). YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities. **Today I urge you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

My first job was in 9th grade when I was hired at YWP as a Peer Educator. I found the job through my best friend who was already working on the team. I filled out the application and went to a group interview. There was a large group from my school. I learned a lot from my job at YWP. I learned sexual and reproductive health like how to put on condoms, ovulation and the menstrual cycle. I also learned about using the right pronouns when I addressed people. This job also taught me how to talk to people and be open to others and share my ideas. Working here has helped to build my confidence because I have had to speak in front of large groups. In the fall of 2019 I joined the Youth Advocate team. On this team I learned how to advocate for changes in my school and publically share my story. It made me feel powerful and important and gave me a more positive look on life.

I participated in SYEP for two summers. In the summer of 2016 I was placed with a camp at UDC. I was participant and part counselor. I did not like this job at all. At times I felt like I was in school. The participants were very rowdy and eventually our program was asked to leave the UDC campus and we moved to a church in Tenleytown. The next summer (2017) I was a bit happier with my placement but overall I did not like the program. I was placed with the Youth Entrepreneur Institute (YEP) and we worked out of a church on U Street. We played drums for most of the day and also talked about life values and skills such as financial management.

I was hired at Six Flags during the summer of 2018. I found this job through one of my friends who had already been hired. My mother also thought that it was time for me to start working because she wanted me to become more independent. At Six flags I learned how to deal with an extremely challenging work environment. I had many problems that summer. I was working in the food section and the smells from the food were making me sick every day. The food smelled so bad that we rarely had customers come to buy food. I had to go to the corporate HR department to try and resolve my issues. This experience helped me to improve my self-advocacy skills. Ultimately I decided to stop working because they did not change my location.

Last December I started working at Target in Tenleytown. I found the advertisement on the website and I applied on their website. I like the fact that I can be myself there and there is always something to do. I have had a chance to build customer service and social skills because I interact with customers and my coworkers every shift. I have definitely interacted with some challenging customers. Even in the COVID-19 emergency I have still been going to my job at Target. I hope to continue there this summer because I need to save money for college. In addition to working, I am an entrepreneur running two businesses. I have two online businesses where I sell hair extensions, jewelry, lashes, lip gloss, lip and body scrubs and bonnets. I started both businesses in January 2020.

I think that working as a teen is important. Working and having my own money gives me a certain independence. I don't like asking my parents for money because I feel like a bother or like I am in debt to them. Having my own money means I don't have to depend on others so much for the things that I need. For example, I am able to pay for my prom, senior dues, pictures, and other graduation related stuff. I can't always depend on my mother. Having a job has also helped me to budget. I have learned to first spend my money on the stuff that I need rather than the stuff that I want. I learned to spend less on nails, hair and other materialistic stuff but because I needed the money to buy necessities like bras, underwear, and school stuff. I am also saving money for college.

There are not enough opportunities for youth to work in DC during the school year. Mostly any youth can get a job during the summer through MBSYP but it is a totally different story during the school year. I have friends who have applied to multiple jobs without luck. I feel fortunate to have found YWP and Target. It is good for youth to work when they are teens because it helps them prepare for the real world when they have to be independent. Working also helps us to focus and learn how to balance things in life like we will have to do when we are older.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for listening today.

**Testimony to the Committee on Labor and Workforce Development  
The Budget Oversight Hearing on the Department of Employment Services**

**Aliyah Matthews  
Youth Advocate  
The Young Women's Project**

**May 28, 2020**

Good Morning Chairperson Silverman and members of the Committee on Labor and Workforce Development. Thank you for the opportunity to testify today. My name is Aliyah Matthews. I am a Ward 6 resident and a junior at McKinley Technology High School. I am the secretary of the Student Government Association and a member of the National Honor Society. I have been a Peer Educator at the Young Women's Project since 2018 and now I am a Youth Advocate on the YWP Education Team. YWP builds the leadership and power of young people so that they can transform DC institutions to expand rights and opportunities for DC youth. On the Education Team where we learn about the DC government, collect information from our peers, and educate our peers on important education issues.

**I am here today to ask you to support a \$576,000 budget allocation for a year-round employment pilot program run by the DOES-Office of Youth Programs (DOES-OYP) for high school students. Through this program high school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses.**

I have had two jobs outside of SYEP and MBYLI. In 2018 I was hired as a Peer Educator at YWP. Through my work with YWP I have learned a lot about condoms and contraception. My friends and I often have curious conversations about sex and now I can give accurate information to many of the questions they have. Another thing I learned is that you must learn how to work with different personalities and develop ways to get along with others to get things done. Also, last May I was hired at Rita's Italian Ice. At Rita's I learned a lot about customer service.

In 8th grade I started with the Marion Berry Youth Leadership Academy (MBYLI). I got involved because my cousin referred me. I really love my work with MBYLI. I work with MBYLI during the school year and during the summer. I spent three summers working with MBYLI. In MBYLI I learn about self-development, community outreach, and college preparation. During the school year, I work on Tuesdays for 2 hours and during the summer we work 20 hours a week for 6 weeks. I really love my work with MBYLI. I have learned a lot about myself. Although I have lived in DC my whole life through MBYLI

I have visited and learned about places I never knew about. Places such as the Newseum and the National Air & Space Museum. I am in the Delta Level of the program along with about 100 other high school students. The last level is Omega. I will start this upcoming summer. We are paid \$8.25/hour. What are you expecting for this summer with SYEP going virtual? This summer I have the same expectations. I still expect to build a family with my Omega level family. I still expect to get some more work experience. Although it is virtual, I will still treat MBYLI as if I am there inside of the workplace.

MBYLI has three levels of work--Alpha, Beta, Delta, and Omega. Each level has a different focus area. In the Delta Level I worked to prepare for college and career. I created a resume, wrote a personal statement, and practiced college essays. In the earlier years, for example in Beta, we went out to the community and visited different landmarks and learned how we can make our city a better place. Personal development was the focus of my Alpha year. I learned about myself and my personality. I became more aware of what I like and didn't like. I feel like I learned who I really was. Before then I was confused and would follow people. I acted as though I didn't have a mind of my own, I learned that I could be myself and people would like me just as I am. It helped me to have more confidence. I feel like MBYLI is helping prepare me for my future career. Not simply because I learned how to create a resume or interview but because I am learning a lot about myself and my personality traits so that I can take that into consideration when working with other people.

There are not enough jobs for teenagers during the school year. I've been applying for jobs without much luck. I have applied for positions with Giant, CVS, Kids Footlocker, Champs, Harris Teeter, and other retail and foodservice positions as well. I often feel like it's because I am in school and jobs tend to take the people that are available all day because they can work longer hours and are more flexible. This issue is important because even though I go to school, I still need to make money.

It is important for youth to have jobs. I am becoming more independent and don't want to ask my parents for money. I also do not want my mom to know everything I buy or judge my purchases. Working helps to prepare students for life after high school. If a student does not want to go to college it can give them an idea of what they want to do after they graduate. Working also gives us more responsibility. A job can also help us with time management because we will have to learn how to properly prioritize.

### **Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We**

**recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

I hope that DOES and this Committee will hear my testimony and take into consideration what I am saying and hopefully this will lead to more year-round opportunities.

Thank you for taking the time to listen.

**Testimony to the Committee on Labor & Workforce Development  
Budget Oversight Hearing on DC Public Schools**

**Aneara Burns  
Peer Educator  
The Young Women's Project**

**May 28, 2020**

Greetings Chairperson Silverman and Committee members. My name is Aneara Burns and I am a senior at Friendship Collegiate Academy. I am 17 years old and I live in Ward 5. I will attend SUNY-Oswego in the fall and I will major in Cinema Studies and screenwriting. I plan on being a film director and a TV producer where I can share my story through a lens. I am a part of the Friendship News Network and I report on events that are happening in DC and at Friendship. I am a Peer Educator with the Young Women's Project. YWP is a multicultural organization that builds the leadership and power of DC youth so that they can transform policies and institutions to expand youth rights and opportunities.

**I submit my testimony to ask you to support a \$576,000 budget allocation for a school year DOES program for high school students run by the Office of Youth Programs.**

Like many teenagers in DC my first job was through SYEP. Although the registration and certification process are tedious and the pay is low but SYEP is a good opportunity when you don't have a regular job lined up for the summer. For the summers of 2017 and 2018 my school (Friendship Collegiate Academy) was my placement and I will return to them again this summer. My first summer my worksite was with the Friendship journalism club. I was doing work that I liked and getting paid, so it was a win-win. I participated in workshops where I improved my video editing skills, learned about photography and how to write news articles. I am still in the journalism club. We worked on a documentary series on gentrification. We collected video footage about the topic and we are still working on putting it together. It is a 3-part series. It was a fun summer employment experience. I got to work with my friends, and we worked 2-6pm each day. I did not have to wake up early. I learned the importance of being on time because our supervisors were serious about it. If you do not provide prior notice that you would be late you would be sent home and you would not be paid for that day. That summer I learned a lot about teamwork. We worked together and if we didn't accomplish our goals then we might not get paid. I also learned that I had to take my job seriously. It wasn't just fun and games because it was SYEP. It isn't all about the money but the money is important to live. I saw many of my peers kicked out of the program due to their negative behavior and attitude. It was a summer job but it was serious business.

Last summer I had a summer job through Urban Alliance (UA). My work with UA started in October of 2018 when I began participating in twice weekly workshops on professional work etiquette, professional dress and other workforce readiness topics. UA really worked with us to make sure that we were ready for the summer internship. The summer of 2019 I was paid by UA to work at the World Bank. It was a regular 9-5 job and I loved it. I actually didn't love it at first because I had to commute pretty far and go there very early but truly enjoyed my summer with the World Bank. I was treated like an adult by my supervisor and the other staff. They invested in me and we are still in contact. I did various types of work including organizing photographs (many from international companies) and creating two promotional videos. I also learned how to use Google and excel spreadsheets and I developed video editing skills as well. After the summer ended I was out of a job and it really hurt. I was not able to continue working because I didn't have an early schedule. UA requires that interns have early schedules and work a certain number of hours to participate during the school year. We were paid well during the summer and I learned a lot. I am grateful for the opportunity.

I started working at YWP as a Peer Educator in November of 2019. My brother was a peer educator and told me about the job. At YWP I have learned a lot about being responsible and organized. We have weekly paperwork to turn in and if it is not done correctly or if I lose my paperwork I will not get paid. I learned this the hard way when I left my paperwork at school and I had to travel across town to turn it in so that I would be paid. This summer I will participate in MBSYEP but I am not sure where I will be placed yet.

I tried to find a regular job but it was hard because although I have a good resume I don't have any retail or food service experience. I applied to Target, Chipotle, Nordstrom Rack and other restaurants and stores and I was rejected from them all. Many places do not want to hire teenagers because of our school schedules or they think we are not responsible. DOES has so many opportunities during the summer but there are not many during the school year. Six weeks of work is great but it isn't right to basically ignore the fact that youth need opportunities during the school year as well.

There are many benefits to working as a teenager. I have developed a lot of connections from my work. At the World Bank I worked with high profile people and they were interested in seeing me succeed. They liked the fact that I was young and working at such an institution. My UA mentor has helped me with my college applications and even wrote a recommendation. Working has also taught me a lot about written and verbal communication as well. I have learned how to commute efficiently and take public transportation. Last summer was the first time that I took public transportation alone. I really learned about the importance of punctuality. I was late a few times and my supervisor really got on me. She said that being late was a slippery slope to getting off track.

Being able to earn money is extremely important to me. Working has made it possible for me to pay for things I want but also many of the things that I need. Senior year there were lots of things to pay for. My jobs have helped me pay my phone bill, buy food and I was even able to help my mom with rent during the summer.

### **Pilot Program Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program, 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system like MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for your time and attention.

**Testimony to the Committee on Education  
For the Budget Oversight Hearing for DC Public Schools**

**Tsion Cummings  
Youth Advocate, Young Women's Project**

**May 28, 2020**

Greetings Chair Silverman and members of the Committee on Labor and Workforce Development. My name is Tsion Cummings and I am a graduating senior at Friendship Collegiate Academy. I am also from Ward 8 and plan to attend the University of Rochester in the fall as a POSSE scholar. I have been a Peer Health Educator for the Young Women's Project (YWP) since 2019. YWP develops youth leaders and supports our work to solve community problems.

**I submit testimony to ask this committee to support a \$576,000 budget allocation for a year-round employment pilot program run by the DOES-Office of Youth Programs (DOES-OYP) for high school students. Through this program high school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses.**

I want to talk to you about increasing part-time employment opportunities for DC youth. Currently, there are only a few programs that hire high school students in DC. Programs such as YWP or Urban Alliance. DOES have very few programs during the school year. Many teens would like part-time jobs because of reasons like gaining work experience, providing for their families or themselves, saving the income for college, etc. Yet, this will be hard because of the limited opportunities there are.

I wanted a part-time job to gain work experience and provide for myself at a greater capacity. However, I have had great difficulty in finding a part-time job outside of YWP and SYEP. I have applied to establishments like Target, Starbucks, AMC Theaters, Regal Theaters, Chipotle, and Insomnia Cookies. I only got two interviews and could only make one because of a prior engagement. When I tried to reschedule it, I was told I would have to repeat the application process. Why should I have to go through that when I have already be offered an interview? When I called to other places to see about my

application, I was always told the manager was out of the office. Some places didn't even call me back to let me know if I was accepted or denied. I felt like a fool waiting for some notification that was never going to come.

The amount of trouble I have had to go through just to not get a job is discouraging. It also makes me nervous about the future because I might not have enough work experience to get a job during college. I wanted that future job to help pay for some of my college costs, but it will be more difficult to get it because I had few opportunities to gain any skills. I'm lucky for programs like YWP and SYEP because, without them, I would have no source of income and no work experience.

### **Recommendation**

**We recommend that the Committee allocate \$576,000 for the creation of a year-round employment pilot program for high school students. Through this program 250 high-school students will work 6-8 hours a week for their school, non-profits, government agencies, or even private businesses. The youth will be paid an hourly stipend of \$10. We recommend that DOES use a system similar to MBSYEP where youth and employers can register on the DOES portal and youth are paid via direct deposit or a debit card.**

Thank you for your time and attention. I hope to hear from you soon.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Employment Services**



**Fiscal Year 2021  
Budget Oversight Hearing**

**Testimony of  
Dr. Unique Morris-Hughes  
Director**

**Before the  
Committee on Labor and Workforce Development  
Council of the District of Columbia  
The Honorable Elissa Silverman, Chairperson**

June 4, 2020  
9:00 AM  
Virtual Meeting Platform  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004



Good morning, Chairperson Silverman, members of the Committee on Labor and Workforce Development, committee staff, and everyone watching. I am Dr. Unique Morris-Hughes, Director of the Department of Employment Services (DOES), and I am pleased to testify before you today on Mayor Bowser's Fiscal Year 2021 (FY21) Budget.

Last month, Mayor Bowser presented her FY21 DC HOPE budget and financial plan, which is guided by the principles of health, opportunity, prosperity, and equity. At a time when the District faces both a public health emergency and significant revenue losses, this budget continues the Mayor's mission to give District residents of all backgrounds and in all stages of life a fair shot by making key investments in public health infrastructure, affordable housing, and public schools. This budget provides a sense of hope and trust that our shared DC values persist, no matter the circumstances or challenges we have before us.

The Mayor's FY21 DC HOPE budget makes historic investments in supportive services and programs that increase the quality of life for all District residents. For example, Mayor Bowser has allocated:

- \$113.5 million to increase funding for K-12 public education;
- \$250,000 to help returning citizens start new businesses and launch careers; and
- \$56 million in safety and mobility investments.

While each District agency has its own individual budget hearing, the overall budget is deeply interconnected and directly impacts the lives of residents. Investments across the budget, combined with those specifically targeted towards DOES' workforce development goals, help move the District forward and make our city a better place to work, live, and visit.

The Mayor's FY21 DC HOPE budget provides DOES with the resources needed to take the next step in implementing its "Vision Forward" plan for promoting the District's human

capital; aligning workforce and education; creating equity and access; achieving excellence in service delivery; operating smart and effective systems; and providing best in class customer service. While there is much to celebrate in this budget, it did require the District to make some difficult decisions. In the Mayor's work to ensure that the District's budget was balanced in the face of historic revenue losses due to the COVID-19 pandemic, some significant cuts have been made to DOES programs and services. Notably, the budget proposes to reduce Local Adult Training programs by over \$3 million; as well as, cut the Learn. Earn. Advance. Prosper program (commonly known as LEAP program) at a reduction of over \$1.5 million from FY20. These necessary cuts will translate into fewer trainings and participant slots for some of our programs. Despite these changes, we will maintain our commitment to connecting and re-connecting as many District residents as possible with quality, family-sustaining careers.

DOES is excited that the FY21 budget includes long-term investments, including more than \$52 million to renovate Spingarn High School to create a long-term home for the DC Infrastructure Academy (DCIA). In addition, the FY21 budget invests over \$3.2 million for the Office of Talent and Client Services to help connect District resident workers with District employers. This investment will be critical as the District looks forward to economic recovery post-COVID-19 and putting our residents back to work.

Before the public health emergency, DOES was continually building on efforts to improve our customer service to District workers. As part of our efforts to promote the District's human capital, our local adult programs provided, and will continue to provide, greater opportunities to District residents. For example, DOES' WIOA Adult and Dislocated Worker programs have exceeded their performance goals in employment rates so far in FY20. In the first quarter of FY20, 73% of WIOA Adult participants and 72% of Dislocated Worker participants were employed in

the second quarter after completing the program. In the fourth quarter after completing the program, 74% and 77% of respective participants were employed. DOES' Out-of-School Youth program also yielded similarly impressive results by exceeding all performance measures in the first quarter of FY20. For example, 69% of our Out-of-School youth were employed in the second quarter after completing the program and 67% after the fourth quarter. We will continue this work over the rest of FY20 and in FY21 thanks to sustained investments in the proposed budget.

The Mayor's FY21 budget allows DOES to continue its commitment to train District residents for high-demand careers and build off the successes we have made at DCIA since its opening in March 2018. For example, in January 2020, DCIA launched its third cohort of Pepco trainees and 20 participants completed the training virtually in May. As with our second cohort of Pepco graduates last year, we expect every single one of these graduates to receive a job offer from either Pepco or one of their subcontractors by the time of their graduation in July. In addition, DOES will expand our DCIA offerings this summer through a new Washington Gas partnership designed to help District residents obtain employment in the high-demand gas utilities sector. This program will help 20 District residents obtain certifications in Excavation and Backfilling; Underground Clearances and Service Lines; Mains and Transmission Lines; and Prevention of Accidental Ignition. DCIA will continue to provide quality services to the District's residents via our weekly information session, CASAS testing, and Quick Path training programs in the Energy, Information Technology, and Health and Safety sectors. While we will have to reduce some training offerings and anticipate that in-person classes will be smaller due to physical distancing, DOES will work to offer additional class times or virtual classes, where possible, to meet current DC Health guidelines.

We are committed to ensuring that our workforce development programs deliver effective results for District residents. Last November, DOES demonstrated this commitment when we officially launched our new Bureau of Compliance and Independent Auditing (BCIA). This new Bureau serves as an impartial and wholly independent team authorized to ensure comprehensive systems are in place to effectively track, monitor, audit, and guide self-corrective activities for DOES programs. BCIA's objective is to identify and mitigate potential compliance, quality assurance, and risk abatement deficits within each DOES program and functional area. In FY21, the BCIA team will continue to conduct UI and workforce development compliance efforts, as well as support COVID-19 federal oversight requirements as mandated by the U.S. Department of Labor.

DOES continues to achieve excellence in service delivery as we adapt to a new normal. The Division of State Initiatives will soon resume new participant engagement for the Project Empowerment (PE) and DC Career Connections (DCCC) programs with a combination of face-to-face instruction and virtual learning options. Due to the challenges these participants face, it is critically important that DOES maintains a period of face-to-face instruction to support their transition to employment. As the DC government plans for a phased reopening, DOES will need to balance these needs by reducing the classroom sizes for in-person formal instruction and modifying the schedule from three weeks of classroom time to two weeks of onsite instruction and one week of virtual engagement. This engagement will still cover critical life and job readiness skills topics to help ensure participants' success. Following completion of this job-readiness training, participants may be referred for work experience. Alternatively, we will provide participants with virtual skills training that either results in a credential or supports job readiness.

Despite historic revenue losses and the necessity of maintaining physical distancing, we have maintained our commitments to our trainees and participants. We are converting our trainings and services to include virtual platforms to continue to provide our residents with the resources they need in these challenging times.

Another prime example of our success has been standing-up the District's new Paid Family Leave (PFL) program. In July 2019, our Office of Paid Family Leave successfully launched the PFL tax system, on time and under budget. To date, DOES has collected over \$300 million in PFL tax contributions or approximately 97% of all reported wages in the District. DOES is well-positioned to achieve the next milestone with the launch of PFL benefits administration. Our PFL team is in good company. Our Unemployment Insurance (UI) Benefit Division was ranked number one regionally and number nine nationally for the first time ever for first payment promptness.

I like to refer to our DOES staff as economic first responders and, as you are aware, the UI team has been central to that work. Our UI team has stepped up under the enormous strain of the current public health emergency to provide eligible District workers with access to unemployment insurance and the newly created Pandemic Unemployment Assistance benefits throughout this crisis. DOES has taken advantage of every federal dollar available for UI funding, including Pandemic Unemployment Assistance for independent contractors, gig workers, and part-time employees typically not eligible for traditional UI, and Pandemic Emergency Unemployment Compensation for those who have exhausted their traditional UI benefits.

Since March 13, 2020, DOES has received over 108,000 new claims for unemployment compensation, almost three-and-a-half times the amount DOES typically receives per year. To date, DOES has paid more than \$422 million in benefits and continues to adjudicate claims as

quickly as possible.<sup>1</sup> To maintain our customer service standards, our Office of Customer Experience has trained over 200 new call-takers from within the agency, throughout District Government, and through vendor contracts to respond to the influx of callers since mid-March. With this additional support, DOES has been able to reduce the average wait time when a customer calls from over 4 hours to as low as 45 minutes. Since the start of the emergency, DOES has received over 193,000 calls, a truly staggering number, as the District and the nation navigates these unprecedented times. We have also made improvements to our website, establishing a Chatbot feature which allows for customers to receive immediate answers to general questions. Furthermore, we are making continuous improvements to our frequently asked questions based on guidance changes from DOL to better help residents understand the claim process. In FY21 and beyond, we will use the customer service lessons we have learned during this emergency to maintain and achieve greater excellence in service delivery.

The current emergency has highlighted the District's need to continue the UI Modernization project. The FY21 capital budget continues towards the project's objective of developing and deploying a robust, fully-integrated Unemployment Benefits and Tax solution resulting in greater efficiency and the ability to offer enhanced services to District workers. To date, DOES awarded the Unemployment Tax contract and is well on its way to releasing a solicitation for the Unemployment Benefits contract.

Our budget of \$156,181,995, which represents a 6.1% increase over our FY20 approved budget of \$147,241,536, will continue to fund our long-term workforce goals. However, this does include some significant cuts to local funding. The budget will fund our comprehensive study of current DOES services, District resident workforce, and current and future job market needs. We

---

<sup>1</sup> The claim information is current as of 6/1/2020.

will identify early career opportunities in addition to the Marion Barry Summer Youth Employment Program, which will continue to be funded through DC HOPE. DOES will work creatively to administer grants and offer incentives that support quality outcomes to diverse and minority populations including veterans, the homeless, women, returning citizens, and at-risk youth. As we have with our Quarterly Business and Community Stakeholder meetings and more recently our unemployment webinars, we will host regular meetings with stakeholders to gain insight and feedback on current DOES services and programs. In addition to funding our permanent DCIA location, the capital improvement budget will also fund our UI tax modernization. This key initiative will improve our customer service and streamline our systems to make us more efficient and responsive. Along with this modernization, the DOES operating budget will help fund a comprehensive data project to create an agency-wide data governance and management plan.

The resources allocated to the DOES will play a critical role in providing opportunities and hope to the residents of the District as we emerge from the most significant global event of our lifetimes. I look forward to continued partnership with the Council as we work together to rebuild our community to be more equitable, more vibrant, more resilient, and better than before.

We appreciate the opportunity to share our accomplishments and plans for continuous improvement and look forward to continuing to work with this Committee. The DC HOPE budget continues our commitment to residents and will further the goals of DOES' Vision Forward plan, despite the necessary cuts. This concludes my testimony. I am happy to address any questions that you may have at this time.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Workforce Investment Council**



**Fiscal Year 2021  
Budget Oversight Hearing**

**Testimony of  
Ahna Smith  
Executive Director**

**Submitted to the  
Committee on Labor and Workforce Development  
Council of the District of Columbia  
The Honorable Elissa Silverman, Chairperson**

June 8, 2020  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, DC 20004

The Workforce Investment Council submits the following testimony to the Committee on Labor and Workforce Development regarding Mayor Bowser's Fiscal Year 2021 proposed budget: I am Ahnna Smith, Executive Director of the Workforce Investment Council (WIC), and I am thankful for this opportunity to submit this testimony on the Mayor's FY2021 Budget.

Last month, Mayor Bowser presented her Fiscal Year 2021 (FY2021) Budget and Financial Plan entitled, "DC HOPE." The Mayor's budget reflects our commitment to providing all Washingtonians with a pathway to prosperity, and to making Washington, DC a place where people of all backgrounds can live and thrive. This budget includes important investments in infrastructure, education, affordable housing, health and human services, economic opportunity, seniors, and public safety. These investments are guided by the guidelines of health, opportunity, prosperity, and equity, and reflect the key priorities identified by District residents at Budget Engagement Forums and telephone town halls held during the budget formulation process. Mayor Bower's budget will ensure that our agency and the entire government have the necessary staff and resources to help meet our ambitious goals.

In this unprecedented time, as our community tackles a public health emergency and economic recovery in the months and years ahead, the investments we make in our workforce are more important than ever before. In FY2021 and beyond, the Workforce Investment Council will work to organize and reinforce the infrastructure necessary to deliver a world-class workforce system that builds resiliency in the residents and employers of Washington, D.C. It is our responsibility and commitment to ensure that the workforce system—our business community, training and support services providers, educational institutions, and agency partners—is able to meet challenges we have never before encountered, and seize opportunities that improve the lives and outcomes of our residents and businesses. Through our work, we will achieve Mayor Bowser's vision of creating pathways to the middle class for all District residents, and ensuring those most impacted by the pandemic and economic shutdown are not left behind in our community's recovery.

The FY2021 budget includes numerous investments that will help more individuals and families thrive in the District, including supports like housing and childcare that we know are critical to helping residents connect to and sustain family-supporting careers. Even as the District faces budget pressures like never before, Mayor Bowser's FY2021 includes investments in critical supports for workers including, \$100 million in the Housing Production Trust Fund and an additional \$1 million in the Housing Preservation Fund to support access to affordable housing; \$75 million in capital funding to support the creation of more than 700 new early childcare and pre-kindergarten seats; and \$8.2 million for Main Streets and Clean Teams, critical resources to our small and local businesses throughout the city. These collective

investments, including the critical investments in workforce development, support a larger ecosystem designed to provide District workers with the resources and tools necessary to support family-sustaining careers.

Mayor Bowser's FY2021 budget includes \$2.8 million in local funds to support the WIC's staff, operations, and core work; this local funding includes an additional three FTEs for the WIC. The funding allocated in the budget, in addition to the federal \$1.4 million in funding we receive under the Workforce Innovation and Opportunity Act (WIOA), will allow the agency to increase our coordination, alignment, and convening of public and private-sector partners; and conduct research and develop policies and resources to guide investments and practices throughout the workforce system. These are unprecedented times, and it is critical that our system is agile and responsive. Mayor Bowser's FY2021 budget will enable the WIC to meet the novel demands our community faces today and in the next year.

The WIC, to date, has delivered important work that will inform and serve as the foundation for our FY2021 budget priorities. The Career Pathways Task Force delivered an updated strategic plan and sector-specific career pathway maps for each of Washington, D.C.'s high-demand sectors. The WIC, in partnership with core workforce agencies, and with input and support from many other government agencies, submitted Washington, D.C.'s Unified WIOA State Plan to the U.S. Department of Labor. The State Plan will guide critical priority projects and coordination efforts across the workforce system for the next four years. The WIC has also delivered a Business Services report that analyzes and makes recommendations for strengthening and improving government engagement, across dozens of agencies, so we may better serve and engage local businesses and employers. This summer, WIC will deliver the FY19 Workforce Development System Expenditure Guide, as well as a report that will recommend opportunities to strengthen data management, governance, and reporting across the workforce system. The frameworks and resources we have delivered this year will serve as foundational resources upon which we will continue to build.

In the remainder of FY2020, and in FY2021, the WIC will engage employers and partners to update our resources, projections, and investments to meet the changing needs of the community as we emerge from the current public health emergency. Mayor Bowser's proposed funding and additional FTEs will expand our capacity to convene partners in a data-driven, results-oriented, and sustainable manner. These FTEs will support our work to bring together industry leaders and training providers in our high-demand sectors, to identify industry needs and inform the development of sector-specific strategies to train residents so they are competitive for high-demand occupations. The WIC, through the American Job Center (AJC) One Stop

Operator, will continue to ensure that the workforce training and career and support services provided to job-seekers meet residents' needs, comply with the guidance of local health officials, and connect the many thousands of DC residents in need to sustained employment and meaningful careers.

## **Conclusion**

In closing, the resources allocated to the Workforce Investment Council will ensure we are positioned to bring together stakeholders and ensure that the workforce development system in the District is able to deliver on Mayor Bowser's vision of providing pathways to the middle class for all DC residents. We are presented with a once-in-a-generation opportunity to reimagine and rebuild our community to be more equitable, resilient, and vibrant than before. I am proud to support the Mayor's vision and work in collaboration with the Council, this Committee, and the many government, business, and community leaders committed to providing a fair shot at opportunity to the residents of the District of Columbia.

Thank you for the opportunity to submit this testimony for the record.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Department of Human Resources**



**Fiscal Year 2021  
Budget Oversight Hearing**

**Testimony of  
Ventris C. Gibson  
Director**

**Submitted to the  
Committee on Labor and Workforce Development  
Council of the District of Columbia  
The Honorable Elissa Silverman, Chairperson**

June 8, 2020  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004



The District Department of Human Resources submits the following written testimony to the Committee on Labor and Workforce Development regarding Mayor Bowser's Fiscal Year 2021 proposed budget. I am Ventris C. Gibson, Director of the District of Columbia's Department of Human Resources (DCHR), and I thank you for this opportunity to provide testimony on Mayor Bowser's Fiscal Year 2021 Budget, DC HOPE.

Mayor Bowser's Fiscal Year 2021 (FY21) Budget and Financial Plan is the District's 25th consecutive balanced budget. This budget is guided by DC HOPE values of health, opportunity, prosperity, and equity, and strives to make Washington, DC a place where people of all backgrounds and in all stages of life are able to live and thrive by making key investments in education, healthcare, and affordable housing, despite the financial challenges we as a District are facing during this unprecedented crisis.

DCHR is a strategic human resources business partner that enables the District to meet its governmental responsibilities by ensuring that we have a highly talented, engaged, and committed workforce that serves District residents. Our vision is simple, we strive to be the best-in-class human capital organization that puts people first, promotes innovation, and serves as a model for others. To help us succeed in our vision, the Mayor's DC HOPE budget for the agency is \$18.9 million, which represents a 3.5 percent reduction change from FY20. While this budget reflects the impacts of the global coronavirus (COVID-19) pandemic, it also reflects DCHR's commitment to good government and fiscal responsibility without compromising the District's shared DC values.

As an agency, DCHR works hard to help the District remain competitive as an employer. To that end, DCHR provides support to agency partners through a wide range of human resource services that vary depending on the needs of the specific agency. For example, we provide



recruitment programs and events, classification tools, learning and development trainings, employee relations, benefits and retirement, performance management, policy and compliance, compensation, and legal support. The Mayor's DC HOPE budget reflects her commitment to providing these and other services to every District resident. Pre-pandemic, DCHR's main focus was on enhancing our employee skills through City University, decreasing the time it takes to fill vacancies, streamlining processes through technology enhancements, and implementing a career pathways framework.

Today, with social distancing and other public health measures as the new normal, DCHR has implemented several new processes that help us better serve our customers. For example, we updated our in-person New Employee Orientations (NEO) to onboard employees as virtually as possible. Due to the support of the Mayor, our past investments in onboarding technology made onboarding employees during the pandemic seamless and efficient. We utilized technology to streamline the process and onboard employees in half the time using electronic workflows (normally an eight hour process). Regarding learning and development, we now provide expanded online instruction with a significant uptick in interest amongst employees. Employees communicated that they would love to see DCHR continue to serve the District through online training that is engaging, meaningful, and beneficial to their work. We responded by offering weekly coaching for managers and HR professionals, which has also been very popular as managers navigate the virtual environment through leading and motivating teams. Even our credentialing process evolved to an electronic platform that doesn't require employees to receive their badges in person. Although we have modified our operations, our commitment to hiring District residents remains firm. In partnership with the DC Department of Health,



DCHR recruited and staffed new employees for contact tracer positions. To date, the effort resulted in a 98 percent return of DC resident hires.

The FY21 DC HOPE budget supports DCHR as we build a strategic human resources environment that serves the needs of our residents, our workforce, and, as a measure of good governance, ensures operational efficiency. In FY21, we will continue our focus on increasing the number of DC residents employed by District government, improving employee health and wellness, testing and preventing substance abuse, updating Human Resource Information Systems (HRIS), ensuring compliance with sexual harassment prevention education, and delivering a myriad of training programs.

In closing, I take great honor being a steward of the resources allocated to the Department of Human Resources. The financial impacts of COVID-19 requires us to make the necessary sacrifices, while maintaining the critical services our residents expect. I'm proud that we as an agency have exceeded these expectations with our new remote servicing profile. These resources are critical in supporting resident and employee efforts to reach and sustain a pathway to the middle class. I look forward to our continued work together to achieve our shared goals and give all residents a fair shot.

As the Mayor says, "We're all in this together and together, we'll all get through it". Thank you for the opportunity to submit testimony for the record. I look forward to working with you during the next fiscal year.



**GOVERNMENT OF THE DISTRICT OF COLUMBIA  
Office of Labor Relations and Collective Bargaining**



**Fiscal Year 2021  
Budget Oversight Hearing**

**Testimony of  
E. Lindsey Maxwell II, Esq.  
Director**

**Before the  
Committee of Labor and Workforce Development  
Council of the District of Columbia  
The Honorable Elissa Silverman, Chairman**

June 8, 2020  
John A. Wilson Building  
1350 Pennsylvania Avenue, NW  
Washington, D.C. 20004

The Office of Labor Relations and Collective Bargaining (OLRCB) submits the following written testimony to the Committee of Labor and Workforce Development regarding Mayor Bowser's Fiscal Year 2021 DC HOPE proposed budget. My name is E. Lindsey Maxwell II, Director of the Office of Labor Relations and Collective Bargaining, and I thank you for this opportunity to provide testimony on OLRCB's Fiscal Year 2021 budget.

OLRCB is the Executive's representative in labor relations and collective bargaining matters. In that role, we administer the labor relations program for agencies under the Mayor's personnel authority. We administer the labor relations program in a manner that enhances efficiency of government operations while also recognizing and respecting employee rights. The District's unionized workforce, affectionately called our labor partners, is approximately 75 percent of the entire workforce. Consequently, a significant part of OLRCB's work involves negotiating collective bargaining agreements and representing management in related labor litigation. Our office believes that positive employee and labor relations are essential to creating a productive work environment. This is truer today due to these difficult and uncertain times as a result of the COVID-19 public health emergency.

The vision of this office remains administering the labor relations program in a way where we work with the labor force as partners. In that regard, as Director, I meet with labor leaders on a consistent basis to discuss a broad range of topics to advance an amicable relationship between labor and management. For example, since the start of the public health emergency, I joined the City Administrator to host bi-weekly labor roundtables with labor leaders and partners to address concerns and questions in regard to the city's response to the COVID-19 emergency. This initiative contributed to enabling a direct line of communication between myself and local labor Presidents to facilitate that relationship.

OLRCB is composed of three units; the Negotiation, Litigation and Administrative Units. The **Negotiations Unit** is responsible for negotiating collective bargaining agreements, the process by which wages, benefits, and other terms and conditions of employment for unionized employees are established; training management representatives on the provisions of each collective bargaining agreement applicable to their agency; and conducting “impact and effects” bargaining. The **Litigation Unit** is focused on initiating, prosecuting, defending, and monitoring a wide range of litigation activity, for and on behalf of agencies under the personnel authority of the Mayor. This litigation activity consists primarily of grievance arbitrations, unfair labor practice complaints (ULPs), enforcement actions and arbitration review requests (ARRs) before the Public Employee Relations Board (PERB). Litigation activity also flows from interest arbitrations, negotiability appeals and similar actions that directly arise from the negotiation activities carried out by OLRCB. And lastly, the **Administrative Unit** is responsible for providing general agency support to the two other units and conducting research and analysis necessary to support management’s position during negotiations. This unit also provides training to agencies regarding the labor relations program and the legal obligations which emanate from D.C. law and the collective bargaining agreements.

As an entity within the Office of the City Administrator (OCA), OLRCB does not maintain a stand-alone budget. Rather, OLRCB’s budget is subsumed within the budget of the OCA. The FY21 budget authorizes 17 Full-Time Equivalent positions (FTEs) and of those positions, 11 positions are designated for attorneys, six positions are for administrative and program support, and one is designated for the Director position. We are currently fully staffed, except for one open Attorney-Advisor position.

Attorneys are directly involved in carrying out the primary mission of the Office by providing advice, counsel, and representation to agencies on all matters concerning labor relations. In addition, attorneys actively negotiate collective bargaining agreements with representatives of the various labor organizations representing District government employees.

The administrative and program staff support the Director and attorneys and assist in carrying out the Office's customer service and other District mandates. Their role is critical in the Office's efforts to administer an efficient labor relations program because they are often the first point of contact with the public, employees, management and labor representatives with whom we interact on a daily basis.

In FY21, we will continue our steadfast resolve to negotiate agreements as efficiently as possible despite the unforeseen challenges brought on by the COVID-19 public health emergency. Among the agreements we expect to negotiate, include those with Washington Teachers Union, the IAFF that represents employees at the Fire Department, and the DC Police Officers Union. OLRCB will also continue to focus its resources in three major areas: arbitrations, unfair labor practice cases, and representation issues before PERB. The litigation of arbitrations and unfair labor practice complaints consumes the bulk of OLRCB's litigation resources. In FY20, OLRCB handled 12 new cases and of that number, eight of which have been closed. In FY21, our focus will include closing more cases and reducing attorney caseloads.

In FY21, OLRCB will step up its efforts to conduct Quarterly Labor Liaison Forums. These forums are intended for Labor Liaisons, who are management representatives at the agency level, so they can provide immediate guidance on labor matters to the managers and supervisors at their respective agencies.

In closing, OLRCB will continue to provide high-quality legal services to agency Directors, Labor Liaisons, and Human Resources professionals. Our proactive and collaborative approach in working with our labor partners will be a major factor in improving overall labor relations.

Thank you for the opportunity to submit testimony for the record on the agency's Fiscal Year 2021 budget.