

**Council of the District of Columbia**  
**COMMITTEE ON LABOR AND WORKFORCE DEVELOPMENT**  
**MEMORANDUM**

1350 Pennsylvania Avenue, NW, Washington, D.C. 20004

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**TO:** Chairman Phil Mendelson

**FROM:** Elissa Silverman, Chairperson



**RE:** Request to Agendize Measures for the December 7, 2021, Legislative Meeting

**DATE:** December 2, 2021

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I am writing to request that the following emergency measures be agendized for the regular Legislative Meeting on December 7, 2021.

- Constituent Unemployment Compensation Information Emergency Declaration Resolution of 2021;
- Constituent Unemployment Compensation Information Emergency Amendment Act of 2021; and
- Constituent Unemployment Compensation Information Temporary Amendment Act of 2021.

This legislation amends a DC Code provision regarding claimants' and employers' "confidential unemployment information." **It will make explicit the Council's right to obtain unemployment insurance (UI) information in the course of official duties—including constituent services and oversight.** It will also clarify, in accordance with federal law,<sup>1</sup> what DOES should accept as "reasonable evidence" of a constituent's request to the Council for assistance.

A major responsibility of the Council of the District of Columbia is to assist constituents when they ask for help navigating District government services. This has been especially crucial during the COVID-19 pandemic when thousands of unemployment compensation ("UI") applicants needed help with their claims, when hundreds of claimants, and dozens of employers have contacted the Council about UI.

District law protects the information the Department of Employment Services (DOES) obtains from claimants and their employers ("confidential unemployment information") from being disclosed except under certain circumstances, in accordance with federal standards. The District must be able to demonstrate to the federal government that it has strong protections in

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<sup>1</sup> Federal law permits the state employment agency (DOES) to disclose confidential unemployment information to "public officials" and their agents (i.e., staff). 20 CFR 603.5 (e). This policy is elaborated on in Section 6 of Unemployment Insurance Program Letter No. 34-97 (June 10, 1997).

place to safeguard confidential unemployment information and ensure continued eligibility for federal funding.

**DOES recently changed its interpretation of this District law, the immediate impact of which has been to restrict the Council’s ability to assist UI claimants.** Since August 25, 2021, DOES has required any Councilmember or their staff member who is trying to help a UI constituent to ask that constituent for a signed consent form saying that the Council has been given permission to obtain “confidential unemployment information.” DOES says it cannot provide the Council with an update about the status of a constituent’s claim or problem without the form being completed. As a result, DOES has not provided updates about constituent unemployment issues to most Council offices since late August. The requirement to obtain the consent form, sign, and return it would prevent many constituents from getting help. **The Committee on Labor and Workforce Development and the Council’s general counsel made multiple attempts to reach a non-legislative solution that was more accessible for constituents; however, these efforts were ultimately unsuccessful.**

**Therefore, this emergency legislation will eliminate perceived ambiguity and clarify what evidence DOES may use to document that it has fulfilled its obligations to protect confidential unemployment information, including for currently pending cases.**

The draft measures are attached. If you have any questions or for further information about this legislation, please contact Margaret O’Hora, Legislative Counsel, [mohora@dccouncil.us](mailto:mohora@dccouncil.us).

cc: Members, Council of the District of Columbia  
Office of the Secretary  
Office of the General Counsel  
Office of the Budget Director