

## [CHAPTER 794.]

## AN ACT

To provide for unemployment compensation in the District of Columbia, authorize appropriations, and for other purposes.

August 28, 1935.  
[H. R. 7167.]  
[Public, No. 386.]

District of Columbia  
Unemployment Com-  
pensation Act.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## Definitions.

## DEFINITIONS

SECTION 1. As used in this Act, unless the context indicates otherwise—

“Employer.”

(a) The term “employer” means the District, and every individual and type of organization for whom services are performed under a contract of employment.

“Employment.”  
*Post*, p. 1138.

(b) The term “employment” means any service, of whatever nature, including employment in interstate commerce, performed after December 31, 1935, within the United States, by any individual under any contract of hire, oral or written, express or implied, so long as the greater part, as determined by the Board under regulations prescribed by it, of the service performed under such contract is performed within the District, except—

(1) domestic service in a private home;

(2) casual labor not in the course of the employer’s trade or business;

(3) service performed by an individual in the employ of his son, daughter, or spouse, and service performed by a child under the age of twenty-one in the employ of his father or mother;

(4) service performed in the employ of the United States Government or of an instrumentality of the United States;

(5) service performed in the employ of a Senator, Representative, Delegate, or Resident Commissioner, insofar as such service directly assists him in carrying out his legislative duties; and

(6) service performed in the employ of the District as a school officer or teacher, or as a member of the police or fire department, or by an individual who is subject to the Act entitled “An Act for the retirement of employees in the classified Civil Service, and for other purposes”, approved May 22, 1920, as amended.

Vol. 41, p. 614; Vol. 46, p. 468; U. S. C., p. 91.

“Wages.”

(c) The term “wages” means all remuneration for employment, including the cash value, as determined by the Board under regulations prescribed by it, of all remuneration paid in any medium other than cash. Whenever gratuities are received by an individual in the course of his employment from persons other than his employer, the Board, under regulations prescribed by it, shall determine the average amount of such gratuities generally received by individuals performing services of that nature, and the amount so determined shall, for the purpose of the contributions required and the benefits provided under this Act, be included as a part of the wages of such individual.

“Weekly wage.”

(d) The phrase “weekly wage” as applied to any individual who has been engaged in employment for at least thirty hours in each of twenty-six or more weeks within the period of one hundred and four weeks ending with the week in which such individual was last engaged in employment, means the sum obtained by dividing the total of the wages earned in all the weeks within such period in which he was engaged in employment at least thirty hours by the number of such weeks; and, as applied to any individual who has not been engaged in employment for at least thirty hours in each of twenty-six or more weeks within such period of one hundred and four weeks, means the sum obtained by dividing the total of the

wages earned in such period by the total number of weeks within such period in which he was engaged in employment.

(e) The phrase "totally unemployed" means that the individual concerned has performed in the particular week no services whatsoever for which remuneration (of any nature whatsoever) is payable, has not engaged in any self-employment, and is found by the Board to have been unable to engage in any self-employment in which he was formerly engaged.

"Totally unemployed."

(f) The phrase "partially unemployed" means that the individual concerned has failed to earn in the particular week remuneration (of any nature whatsoever) of at least \$2 more than the benefit he would be entitled to receive under this Act with respect to such week if totally unemployed and otherwise eligible.

"Partially unemployed."

(g) The phrase "dependent relative" means a mother, father, stepmother, stepfather, brother, or sister, who, because of age or physical disability, is unable to work, or a child under sixteen years of age, who is wholly or mainly supported by the individual receiving the benefit.

"Dependent relative."

(h) The term "Board" means the District Unemployment Compensation Board established by section 15<sup>1</sup> of this Act.

"Board."

(i) The term "District" means the District of Columbia.

"District."

(j) The term "benefits" means the payments to unemployed individuals provided for in section 8.

"Benefits."

(k) The term "week" means the period commencing at 12:01 o'clock ante meridian Sunday and ending at 12 o'clock midnight the following Saturday.

"Week."

(l) The term "month" means calendar month; except that for the purpose of computing the contributions payable with respect to any calendar month, and for that purpose only, such calendar month shall be deemed, if, and to the extent that individuals are paid on a weekly basis, to be the period covered by all the weeks which commence within such calendar month.

"Month."

(m) The phrase "Unemployment Trust Fund" means the Unemployment Trust Fund established by section 904 of the Social Security Act.

"Unemployment Trust Fund." *Act*, p. 640.

(n) The phrase "employment office" means a free public employment office or branch thereof in the District, operated by the United States Employment Service.

"Employment office."

DISTRICT UNEMPLOYMENT FUND

District Unemployment Fund.

SEC. 2. There is hereby established the District Unemployment Fund, into which shall be paid all contributions received or collected pursuant to this Act and from which shall be paid all benefits provided for under this Act. The Fund shall be managed and controlled by the Board in the manner provided in this Act; and the Board shall keep complete and accurate accounts of the status of the Fund, and shall include a statement of such status in its yearly report to Congress.

Establishment.

Management and control. Accounts.

EMPLOYER CONTRIBUTIONS

Employer contributions.

SEC. 3. (a) Every employer who employs one or more individuals in any employment shall for each month, beginning with the month of January 1936, pay contributions equal to the following percentages of the total wages payable (regardless of the time of payment) with respect to such employment by him during such month:

Requirement.

(1) With respect to employment during the calendar year 1936 the rate shall be 1 per centum;

Percentages.

(2) With respect to employment during the calendar year 1937 the rate shall be 2 per centum;

Calendar year 1936.

1937.

<sup>1</sup> So in original.

1938-1940.

(3) With respect to employment during the calendar years 1938, 1939, and 1940, the rate shall be 3 per centum;

Determination of rate for calendar year 1941 and thereafter.

(4) With respect to employment during the calendar year 1941 and during each succeeding calendar year, the rate applicable to any employer shall be the rate determined pursuant to subsection (b) of this section.

Method.

(b) The Board shall for each calendar year, commencing with the calendar year 1941, on the basis of the unemployment hazard attached to employment by the respective employers, (1) segregate the employers into classes, and (2) determine the rate of contribution, which shall not be less than 1½ per centum nor more than 4 per centum, to be paid by the employers of each such class: *Provided*, That in any such year the rate of contribution applicable to any employer shall be 3 per centum unless there shall have been at least three calendar years throughout which benefits were payable with respect to any individual in his employ who became unemployed and was eligible for compensation, and the estimated total contributions payable by all employers in any such calendar year shall not be less than 3 per centum of the estimated wages with respect to which such contributions are payable. In making such classifications the Board shall take into account all relevant and measurable factors which it deems to have a bearing on the unemployment hazard attached to employment by any employer, and shall apply such form of classification or such rating system as in its judgment is best calculated to rate individually the unemployment hazard most equitably for each employer or group of employers, and to encourage the stabilization of employment. The standards to be used as a basis of such classification for each calendar year shall be adopted by the Board at least sixty days prior to January 1 of such year, and shall be published in at least two newspapers of general circulation in the District once each week for three successive weeks during the month of November of the year preceding such January 1.

*Proviso.*  
Rate of contribution applicable to employer.

Factors to be considered in making classifications.

Adoption of standards.

METHOD OF PAYING EMPLOYER CONTRIBUTIONS

Method of paying employer contributions.

SEC. 4. (a) The contributions required by section 3 shall be paid to and collected by the Board, and shall, immediately upon collection, be paid into the District Unemployment Fund.

Payment and collection.

Returns.

(b) Not later than the fifteenth day after the close of each month, every employer shall make a return of and shall pay the contributions which shall have accrued with respect to wages payable with respect to employment by him within such month. Each such return shall be made under oath (except where the amount of the contribution payable is less than \$10), shall be filed with the Board, and shall contain such information and be made in such manner as the Board may by regulations prescribe. No extension of the time for filing the return or for payment of the contributions shall be allowed to any employer.

Filing; contents.

No extensions to be allowed.

Interest on contributions in default.

(c) If the contributions are not paid when due, there shall be added, as part of the contributions, interest at the rate of 1 per centum per month from the date the contributions became due until paid.

Priority of claim for contributions.

(d) In the event of the dissolution, insolvency, bankruptcy, composition, or assignment for benefit of creditors, of any employer, contributions then or thereafter due from such employer under this section shall have priority over all other claims, except taxes due the United States or the District, and wages (not exceeding \$250 with respect to any individual) due for employment performed within the six months preceding such event.

(e) In payment of any contribution, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to 1 cent.

Fractional part of cent.

DISTRICT CONTRIBUTIONS

SEC. 5. (a) The District of Columbia shall pay contributions, in addition to its contributions as an employer, in the following amounts: For the calendar year 1936, \$100,000; for the calendar year 1937, \$125,000; and for the calendar year 1938, \$175,000.

District contributions.

Amounts, calendar years 1936-1938.

(b) The contributions required by this section for each calendar year shall be paid by the District to the Board, and shall, immediately upon receipt by the Board, be paid into the District Unemployment Fund.

Payment.

APPROPRIATIONS

SEC. 6. There is hereby authorized to be appropriated to the District for each fiscal year, commencing with the fiscal year ending June 30, 1936, such sum as may be necessary to permit the District to pay the contributions required of it under this Act.

Appropriations.

Sum authorized. Post, pp. 1611, 1858.

DEPOSIT IN UNEMPLOYMENT TRUST FUND

SEC. 7. All moneys received in the District Unemployment Fund from sources other than the Unemployment Trust Fund shall be immediately paid over to the Secretary of the Treasury to the credit of the Unemployment Trust Fund to be held in trust for the District upon the terms and conditions provided in section 904 of the Social Security Act.

Deposit in Unemployment Trust Fund.

Payment.

Ante, p. 640.

AMOUNT AND DURATION OF BENEFITS

SEC. 8. (a) Subject to the provisions of subsections (b) and (c) of this section, the Board shall pay, from the District Unemployment Fund, to every eligible individual (1) with respect to each week, commencing with the week beginning January 2, 1938, in which such individual was totally unemployed, a week's benefit, which shall be an amount, computed to the nearest half-dollar, equal to 40 per centum of his weekly wage, plus 10 per centum of such weekly wage if he has a dependent spouse, plus an additional 5 per centum of such weekly wage for each dependent relative: *Provided*, That in no case shall the amount paid to any such individual for any week exceed \$15, or 65 per centum of his weekly wage, whichever is the lesser; and (2) with respect to each week commencing with the week beginning January 2, 1938, in which such individual was partially unemployed, an amount which when added to the total amount of remuneration (of any nature whatsoever) payable for services performed by such individual during such week, will total \$2 more than the week's benefit to which he would be entitled if totally unemployed during such week.

Amount and duration of benefits.

Weekly payment of benefit.

Computation of amount.

Proviso. Limitation on total amount.

(b) With respect to unemployment occurring within any period of fifty-two weeks, benefits shall be payable to every eligible unemployed individual (1) in the ratio of one-third of a week's benefit to each credit week which occurred within the period of one hundred and four weeks ending with the week in which he was last engaged in employment, until a total amount equivalent to sixteen times a week's benefit has been paid to him; and (2) after such total has been paid, in the ratio of one-twentieth of a week's benefit to each credit week which occurred within the period of two hundred and sixty weeks ending with the week in which he was last engaged in employment.

Previous employment.

Payments to be charged against earliest available credit week.

"Credit week" construed.

Proviso. School or college attendance.

(c) All payments of benefits under this section shall be charged, in accordance with the applicable ratio, against the earliest credit week or part thereof available for such purpose.

(d) As used in this section, the term "credit week" means a week in which the individual concerned performed some employment, against which no benefits have been charged, and with respect to which no benefits were paid to the individual: *Provided*, That any week occurring within the customary school vacation period shall not be counted as a credit week in the case of any individual who attended a school, college, or university in the last preceding school term, and returns to a school, college or university at the end of such vacation period.

Method of paying benefits.

Requisition of amount required.

Deposit of amount received.

Payments.

#### METHOD OF PAYING BENEFITS

SEC. 9. Each week the Board shall requisition, from the moneys to the credit of the District in the Unemployment Trust Fund, the amount required to pay the benefits accruing with respect to such week. Upon receipt of the amount requisitioned, the Board shall deposit it as part of the District Unemployment Fund in the Treasury of the United States as a special deposit to be used solely to pay the benefits provided in this Act. All payments of benefits shall be made by checks drawn by the Board, shall be made at the employment offices designated by the Board, and shall be subject to a post, but not a prior, audit by the District auditor.

Eligibility for benefits.

Requirements.

#### ELIGIBILITY FOR BENEFITS

SEC. 10. (a) An unemployed individual shall be eligible to receive benefits with respect to any week only if it has been found by the Board—

(1) that he has filed a claim for benefits in the form and at the time prescribed, and at the employment office designated, by the Board;

(2) that he has performed employment in at least thirteen weeks within the period of fifty-two weeks ending with the week in which he was last engaged in employment;

(3) that he is physically able to work;

(4) that he is available for work and has registered and inquired for work at the employment office designated by the Board, with such frequency and in such manner as the Board may by regulations prescribe: *Provided*, That failure to comply with this condition may be excused by the Board upon a showing of good cause for such failure;

(5) that he has been totally unemployed and otherwise eligible for benefits under this Act for a waiting period of at least three weeks with respect to which he received no benefits, prior to the week for which he claims benefits; and for the purpose of computing such waiting-period, two weeks of partial unemployment shall be counted as one week of total unemployment. Such weeks of unemployment need not be consecutive but may be accumulated over the period of fifty-two weeks prior to the week for which he claims benefits; and

(6) that the total or partial unemployment in such week is not directly due to a strike or jurisdictional labor dispute still in active progress in the establishment where he is partially employed or was last employed.

Regulations to be furnished employer.

(b) Copies of the regulations prescribed by the Board pursuant to paragraph (4) shall be furnished by the Board to each employer;

and each employer shall post one of such copies on each of his premises in a conspicuous and easily accessible place and shall furnish a copy to each individual who leaves his employ.

Posting.

#### DISQUALIFICATION FOR BENEFITS

SEC. 11. (a) An individual who has left his work voluntarily without good cause, as determined by the Board under regulations prescribed by it, shall not be eligible for benefits with respect to the week in which he so left nor with respect to the three weeks immediately following.

Disqualification for benefits.

When voluntarily leaving work without good cause.

(b) An individual who has been discharged for misconduct occurring in the course of his work, proved to the satisfaction of the Board, shall not be eligible for benefits with respect to the week in which such discharge occurred nor with respect to such additional number of weeks immediately following (not less than one nor more than six) as the Board may determine, under regulations prescribed by it, in proportion to the degree of such misconduct.

When discharged for misconduct.

(c) If an individual otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, either to apply for new work found by the Board to be suitable when notified by any employment office, or to accept any such work when offered to him, he shall not be eligible for benefits with respect to the week in which such failure occurred nor with respect to the three weeks immediately following. In determining whether or not work is suitable within the meaning of this subsection the Board shall consider (1) the physical fitness and prior training and experience of the individual, (2) the distance of the place of work from the individual's place of residence, and (3) the risk involved as to health, safety, or morals. Benefits shall not be denied to any otherwise eligible individual for refusing to accept new work under any of the following conditions: (1) If the position offered is vacant due directly to a strike, lockout, or other labor dispute; (2) if the wages, hours, or other conditions of the work offered are less favorable to the individual than those prevailing for similar work in the locality; (3) if as a condition of being employed the individual would be required to join a company union or to resign from or refrain from joining any bona fide labor organization.

Refusal to work.

(d) If an individual under twenty-one years of age otherwise eligible for benefits fails, without good cause as determined by the Board under regulations prescribed by it, to attend courses at a vocational or other school when recommended by the manager of the employment office or by the Board and such courses are available at public expense, he shall not be eligible for benefits with respect to any week in which such failure occurred.

Individual under twenty-one falling to attend vocational, etc., school.

#### DETERMINATION OF CLAIMS

SEC. 12. (a) As soon as possible after an individual has filed a claim for benefits, an agent of the Board designated by it for such purpose shall determine whether or not such individual is entitled thereto and, if such individual is found to be so entitled, shall determine the week with respect to which payments will commence and the amount of the payments per week. Upon such determination, the agent shall give notice thereof to such individual and to his most recent employer, and benefits shall be paid or denied accordingly; but either party may file an appeal to the Board from such determination within ten days after such notification was delivered to him or mailed to him at his last known address, and in the event

Determination of claims.

Filing of claim.

Notice required.

Appeals.

that any such appeal is filed, no benefits shall be paid to the individual until the appeal shall have been finally decided by the Board.

Hearings.

(b) Upon the filing of any such appeal, the Board shall appoint, in its discretion, either an examiner regularly employed by it on a salary basis or an appeal tribunal, to hold hearings at which both parties shall be given opportunity to present evidence and to be heard. In the conduct of such hearings, the parties shall not be bound by rules of evidence or other technical rules of procedure, but the examiner or appeal tribunal, as the case may be, shall use due diligence to ascertain the true facts of the case.

Procedural rules.

Findings of fact and decision.

Effective date.

(c) On the basis of the evidence presented at such hearings, the examiner or appeal tribunal, as the case may be, shall make a finding of the facts of the case and shall render a decision in accordance therewith. Each such decision shall automatically become the decision of the Board and effective as such as of the tenth day following the date such decision was rendered, unless, before such tenth day, upon petition of either party under regulations prescribed by the Board or upon its own motion, the Board has affirmed, reversed, or modified such decision, or has set it aside and ordered a rehearing or the taking of additional evidence before the same or a different examiner or appeal tribunal, or the Board. All decisions rendered by the Board affirming, reversing, or modifying any decision of an examiner or appeal tribunal, shall become effective immediately.

Composition of appeal tribunal.

Representative of employers.

Requirement of attendance at hearing.

Compensation.

Power to administer oaths, etc.

(d) Each appeal tribunal shall consist of an examiner regularly employed by the Board on a salary basis and a representative of employees and a representative of employers designated by the Board. No such representative shall be regularly employed by the Board or have any financial interest, direct or indirect, in the case. In no case shall the hearings proceed unless the examiner designated as a member of the appeal tribunal is present; and, if either or both of such representatives fail to appear for any such hearing, the examiner shall proceed to hear the case. Each such representative shall be paid such sum, not in excess of \$10, as the Board shall by regulations prescribe, for each day on which he actively engaged, or was present and prepared to engage, in the conduct of any such hearings.

(e) In the discharge of the duties imposed by this section, any member of the Board and any duly authorized examiner shall have power to administer oaths, take depositions, certify to official acts, and issue subpoenas to compel attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records deemed necessary as evidence in connection with the disputed claim.

Record of proceedings.

(f) A full and complete record shall be kept of all proceedings in connection with a disputed claim. All testimony at every hearing on any such claim shall be taken down by a stenographer, but shall not be transcribed except upon order of the Board or in the event of an appeal pursuant to section 13. Upon any such appeal, a copy of all the testimony and of the finding of facts upon which the Board's decision was based shall be filed with the court, and the facts so found shall, if supported by the evidence, be binding on the court.

Refusals to obey subpoenas.

(g) In the case of contumacy by, or refusal to obey a subpoena issued to, any person, the Board may invoke the aid of the Supreme Court of the District of Columbia in requiring the attendance and testimony of witnesses and the production of books, papers, correspondence, memoranda and other records. Such court may issue an order requiring such person to appear before the Board or officer designated by the Board, there to produce records, if so ordered, or

to give testimony touching the matter in question; and any failure to obey such order of the court may be punished by such court as a contempt thereof. Any person who shall, without just cause, fail or refuse to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if in his power so to do, in obedience to the subpoena of the Board, shall be guilty of a misdemeanor, and, upon conviction shall be subject to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or both.

(h) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, and other records before the Board or in obedience to the subpoena of the Board or any member thereof or any officer designated by it, or in any cause or proceeding instituted by the Board, on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subject to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(i) Witnesses subpoenaed pursuant to this section shall be allowed fees at a rate fixed by the Board. Such fees and all other expenses of proceedings involving disputed claims shall be deemed part of the expense of administering this Act.

Securing testimony.

Immunity from self-incrimination.

Witness fees.

COURT REVIEW

SEC. 13. (a) Within thirty days after the decision of the Board has become final, either party may appeal to the Supreme Court of the District of Columbia from such decision. Upon the filing of any such appeal notice thereof shall be served upon the Board by the appellant. Such appeals shall be heard by the Court at the earliest possible date and shall be given precedence over all other civil cases. It shall not be necessary on any such appeal to enter exceptions to the rulings of the Board and no bond shall be required for entering such appeal. In no event shall an appeal act as a supersedeas.

(b) An appeal may be taken from a decision of such Court to the United States Court of Appeals for the District.

Court review.

Time allowed for appeal.

Service of notice.

Hearing of appeal.

ADMINISTRATION

SEC. 14. (a) The Board is hereby authorized and directed to administer the provisions of this Act. The Board is further authorized to employ such officers, examiners, accountants, attorneys, experts, agents, and other persons, and to make such expenditures, as may be necessary to administer this Act, and to authorize any such person to do any act or acts which could lawfully be done by the Board. The Board may, in its discretion, require bond from any of its employees engaged in carrying out the provisions of this Act.

(b) The Board is further authorized to prescribe all regulations which may be necessary to carry out the provisions of this Act. Such regulations shall become effective five days after they have been published in a newspaper of general circulation in the District.

(c) The Board shall each year, not later than February 1, submit to Congress a report covering the administration and operation of this Act during the preceding calendar year, and containing such recommendations as the Board wishes to make.

Administration.

Authority of Board.  
Appointment of personnel.

Bond.

Regulations.  
Effective date.

Annual report.

Recommendation to protect solvency of fund.

(d) The Board shall, whenever it believes that a change in the contribution or benefit rates is necessary to protect the solvency of the fund, at once recommend such change to Congress if in session.

Cooperation with Social Security Board. *Ante*, p. 635.

(e) The Board is hereby authorized and directed, in the administration of this Act, to cooperate to the fullest practicable extent with the Social Security Board created by the Social Security Act; to make such reports in such form and containing such information as the Social Security Board may from time to time require, and to comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports; and to comply with the regulations prescribed by the Social Security Board governing the expenditure of such sums as may be allotted and paid to the District under Title III of the Social Security Act for the purpose of assisting in administering this Act.

Method of paying administrative expenses. Deposit of receipts. *Ante*, p. 626.

METHOD OF PAYING ADMINISTRATIVE EXPENSES

SEC. 15. All moneys received by the Board from the United States under Title III of the Social Security Act or from other sources for administering this Act shall, immediately upon such receipt, be deposited in the Treasury of the United States as a special deposit to be used solely to pay such administrative expenses. All such payments of expenses shall be made by checks drawn by the Board and shall be subject to audit by the District auditor in the same manner as are payments of other expenses of the District.

Payments; audit.

District Unemployment Compensation Board. Establishment; composition.

DISTRICT UNEMPLOYMENT COMPENSATION BOARD

SEC. 16. (a) There is hereby established the District Unemployment Compensation Board, to be composed of the Commissioners of the District as members ex-officio, and one representative of employees and one representative of employers to be appointed by the Commissioners. Each such representative shall be a resident of the District and shall hold office for a term of three years from the date of his appointment; except that (1) any representative appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed only for the remainder of such term, and (2) the term of office of the first representative of employees shall be two years. The chairman of the Commissioners of the District shall be chairman of the Board.

Residence; terms of office.

Vacancy.

Chairman.

Administration of Act.

(b) The Board shall administer this Act through an executive officer to be appointed and employed by the Board. Such executive officer shall act as secretary of the Board and is hereby authorized to act in the name of the Board in all matters specifically delegated to him by the Board.

Service of Commissioners.

(c) The Commissioners of the District shall serve on the Board without additional compensation, but the representatives of employees and employers, respectively, shall be paid \$10 for each day of active service.

Reciprocal agreements with States.

RECIPROCAL AGREEMENTS WITH STATES

Authority to enter.

SEC. 17. The Board is hereby authorized, upon such terms as in its judgment will not result in any loss to the District Unemployment Fund, to enter into agreements with the proper authorities under State unemployment-compensation laws whereby there shall be effected with respect to individuals who have removed from employment in the District to employment in the State covered by the agreement, or who have removed from employment in such State to employment in the District, an exchange of the rights acquired by

such individuals with respect to unemployment benefits in the place of their former employment. The terms of all such agreements entered into by the Board shall be published at least once in a newspaper of general circulation in the District.

Publication of terms.

#### RECORDS AND REPORTS

Records and reports.

SEC. 18. (a) Every employer shall keep true and accurate employment records of all individuals employed by him in employment, including the hours of employment and the wages payable therefor. Such records shall be open to inspection by the Board every day except Saturdays, Sundays, and legal holidays, between the hours of 9 o'clock ante meridian and 4 o'clock post meridian.

Employment records.

Inspection of.

(b) The Board may require from any such employer such reports in connection with his business, covering employment, employees, wages, hours, unemployment, and related matters, as the Board deems necessary to the effective administration of this Act. Information thus obtained shall not be published or be open to the public in any manner which will reveal the employer's identity; and any person who violates any provision of this section shall be fined not less than \$20 nor more than \$200 or imprisoned not longer than ninety days, or both.

Employer reports.

Confidential nature of.

Punishment for violations.

(c) Upon request therefor, the Board shall furnish to any agency of the United States or of the District charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and a statement of such recipient's rights to further benefits under this Act.

Information respecting beneficiary.

#### PROTECTION OF RIGHTS AND BENEFITS

Protection of rights and benefits.

SEC. 19. (a) No agreement by any individual to waive any of his rights under this Act, or to pay any part of the contribution payable by his employer with respect to his or any other individual's employment shall be valid; nor shall any employer make, require, or permit any deduction from the wages payable to his employees for the purpose of paying any part of the contributions required of the employer under this Act, or require or attempt to induce any individual to waive any right he may acquire under this Act. Any employer who violates any provision of this subsection shall, for each such offense, be fined not less than \$100 nor more than \$1,000 or be imprisoned not more than six months, or both.

Invalidity of agreements to waive rights.

Deductions from employees' wages.

Punishment for violations.

(b) No assignment of any right to benefits which are or may become due or payable under this Act shall be valid or enforceable; and the right to any such benefits shall be exempt from levy, execution, attachment, and any other remedy whatsoever provided for the collection of debt; and the benefits received by any individual shall be exempt from the payment of all debts except debts accrued for necessities furnished to such individual or his spouse at a time when such individual was unemployed. Exemptions provided for in this subsection may not be waived.

Assignments.

Exemption of benefits from attachment, etc.

(c) No individual seeking to establish a claim for benefits shall be charged any fee whatsoever by the Board; and no person who represents any such individual in any proceeding shall charge or receive for his services a sum in excess of 10 per centum of the aggregate amount of benefits received by such individual pursuant to the decision in such proceedings. Any person who violates any provision of this subsection shall, for each such offense, be fined not more than \$500 or imprisoned not more than one year, or both.

Fees for seeking to establish claim.

Penalties.

PENALTIES

False statements.

SEC. 20. (a) Whoever makes a false statement or representation, knowing it to be false, to obtain or increase any payment provided for in this Act, for himself or any other individual, shall, for each such offense, be fined not less than \$20 nor more than \$100 or imprisoned not more than sixty days, or both.

False employer records.

(b) Any employer, and any officer or agent of an employer, who furnishes a false record or makes a false statement or representation, knowing it to be false, to avoid the payment of any or all of the contributions required of such employer under this Act, or to prevent or reduce the payment of benefits to any individual entitled thereto, and any employer who willfully refuses to pay the contributions or to furnish any report required of him under this Act, shall, for each such offense, be fined not less than \$100 nor more than \$1,000 or imprisoned not more than six months, or both.

Disposition of fines.

DISPOSITION OF FINES

SEC. 21. The amount of all fines collected pursuant to the provisions of this Act shall be turned over to the Board and by it paid into the District Unemployment Fund.

Representation in court.

REPRESENTATION IN COURT

SEC. 22. (a) On the request of the Board the United States district attorney for the District shall represent the Board in any action in court arising under this Act or in connection with the administration and enforcement of its provisions, including actions for the collection of contributions due hereunder; but in any civil action the Board may be represented by its own counsel.

(b) Violations of any provision of this Act shall be prosecuted by the United States district attorney for the District.

Reservation of right to amend or repeal.

RIGHT TO AMEND OR REPEAL

SEC. 23. All the rights, privileges, or immunities conferred by this Act or by acts done pursuant thereto shall exist subject to the power of Congress to amend or repeal this Act at any time.

Separability of provisions.

SEPARABILITY OF PROVISIONS

SEC. 24. If any provision of this Act, or the application thereof to any person or circumstances, is held invalid, the remainder of the Act and the application of such provision to other persons and circumstances, shall not be affected thereby.

Short title.

SHORT TITLE

SEC. 25. This Act may be cited as the "District of Columbia Unemployment Compensation Act".

Approved, August 28, 1935.

[CHAPTER 795.]

AN ACT

To provide for the compiling and publishing of the Official Register of the United States.

August 28, 1935.

[H. R. 8473.]

[Public, No. 387.]

Official Register of the United States. Annual publication. Contents.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States Civil Service Commission shall cause to be compiled, edited, indexed, and published each year an Official Register of the United