

UCFE Handbook 391 For State Agencies



Unemployment

Compensation for

Federal

Employees

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CHAPTER I - INTRODUCTION

1. Program Description.

Subchapter I of chapter 85, title 5 of the United States Code (U.S.C.), as amended by Public Law 94-566, 90 Stat. 2667, 5 U.S.C. 8501-8509, provides for a permanent program of unemployment compensation for unemployed Federal civilian employees (UCFE). This program provides a weekly income for a limited period of time to unemployed Federal civilian workers who qualify, to help them meet basic needs while searching for employment.

Benefits are paid by the States, through more than 1700 State employment service (ES) and unemployment insurance (UI) claims offices, from funds provided by the Federal Government. No payroll deductions are made for UCFE protection.

Benefits are provided unemployed Federal civilian workers in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable under the unemployment compensation (UC) law of the State if their Federal service and Federal wages had been included as employment and wages under that State law. All State laws require that an individual have qualifying earnings during a past period specified by the law; file a claim and report regularly as directed; and be able to work and available for work. Denial of benefits until the individual becomes reemployed and earns a specific amount of wages, or a denial of benefits for a period of time specified by State law, will result if the unemployed Federal worker quit his/her job without good cause, was fired for misconduct connected with the work, or refuses a suitable job without good cause. These benefit determinations are made based on wage and separation information and documents provided by the unemployed Federal employee and the Federal agency. Appeal rights are provided the unemployed worker if he/she is denied benefits. If the denial is based on information about the worker's Federal service furnished by the Federal agency employer, the worker may request a review of the information. A Federal agency may also appeal the award of benefits to a former employee. However, all appeals or requests for review must be filed within legal time limits established by State law.

An individual's weekly benefit amount and the number of weeks benefits may be paid are determined by State law based on the individual's prior earnings. Some State laws increase the weekly amount by allowances for dependents. Most States pay a maximum of 26 weeks. Income while unemployed may affect an individual's eligibility for UI. In some States, benefits are reduced or denied if the individual receives pay for unused leave or severance pay. Federal law requires all States to reduce

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benefits, if the unemployed worker is receiving a pension, retirement pay, or any other periodic payment attributable to a base period employer.

To file a claim, unemployed Federal civilian workers go to their nearest State ES office or UI claims office. Claims may be filed in every State, the District of Columbia, Puerto Rico, and the Virgin Islands. Benefit rights generally are determined by the State where the unemployed Federal civilian worker had his/her last official duty station. However, if the unemployed worker's last official station was outside the 50 States, the District of Columbia, Puerto Rico, and the Virgin Islands, the law of the State in which he/she files the first claim will determine his/her benefit rights. (There are other rules which can change the assignment to another State, cancel or withdraw the wage assignment when a benefit year is not established. See Appendix B, UCFE Regulations, Section 609.8 for detailed information concerning assignment of UCFE wages.)

While the payment of UCFE benefits in the same amount and under the same terms and conditions as State UI benefits results in different treatment of former Federal employees among the States, it permits identical treatment within a State for former Federal employees and former private company/business employees.

2. The Relationship of UCFE to Other Unemployment Insurance (UI) Programs.

The Federal-State UI program, as formulated by the Congress in 1935, allows each State to establish its UC laws in conformity with broad Federal requirements. Therefore, State laws are not uniform and the eligibility and disqualification provisions of the various State UI programs vary considerably as State legislatures enact provisions that they consider appropriate for the State.

All State laws provide compensation for wage loss suffered by unemployed individuals who have had an attachment to the labor force and who are not subject to disqualification. The extent of such attachment necessary to meet the minimum requirements for monetary entitlement is established by State law and is measured in terms of total weeks worked and/or wages earned in employment covered by the State law in a recent period (usually 1 year) specified in the State law as the "base period." Under most State laws, the base period is the first four of the last five completed calendar quarters prior to the filing date of the new claim. The amount and duration of benefits to which an individual is entitled varies according to the formula in the law of the State.

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To be eligible for benefits, a person must be unemployed, or working less-than-full-time, with earnings less than an amount specified in the State law. In addition, he/she must be ready, willing, and able to work, and, in some States, actively seeking work, and must not be disqualified for any reason specified in the State law.

Generally, all State law provisions apply to claims filed under the UCFE program. However, there are interpretations that may not be made by State officials and must be made by the Secretary of Labor. In such cases, the State Employment Security Agency (SESA) administers the Secretary's decision under its law.

The UCFE claimant may participate in other programs for the payment of benefits. These programs are described below:

a. **Federal-State Extended Benefits (EB).** At times of economic downturns when the unemployment rate reaches a specified level as determined by State law, the duration of benefits are extended under the Federal-State EB program. In such event, benefits to individuals filing under the UCFE program will be extended.

The EB program was established by the Federal-State Extended Unemployment Compensation Act of 1970, and is generally financed 50-50 by the Federal and State governments. As a condition of tax offset credit under the Federal Unemployment Tax Act, a State law must provide for the payment of EB during periods of high unemployment to eligible individuals as prescribed under the Act.

EB provisions apply to claims under the UCFE program, except, all benefits paid are charged to the Federal agency. The Secretary's regulations which implement the EB program are published at 20 CFR Part 615.

b. **Additional Compensation/Benefits (AB).** Additional Compensation/Benefits (AB) is an extension of benefits under State law by reason of high unemployment or other factors. These benefits are totally financed by the State for State covered workers. Federal agencies must reimburse the cost of these benefits to UCFE claimants.

c. **Emergency or Temporary Extended Benefit Programs.** From time-to-time, special Federal emergency or temporary extended benefit programs are enacted during economic downturns. Such programs differ in their specifics but usually provide for some number of additional weeks of UC to individuals who have exhausted their rights to regular and other extended compensation programs.

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d. **Interstate Arrangement for Combining Employment and Wages (CWC).** The Combined Wage or CWC arrangement implements the requirements of Section 3304(a)(9)(B) of the Internal Revenue Code of 1986. The Interstate Arrangement for Combining Employment and Wages is published at 20 CFR Part 616.

The CWC arrangement provides a system whereby an unemployed worker with covered employment and wages in more than one State could elect to combine wages from all such States to satisfy the wage qualification (or weeks) requirements of the paying State, or as a means of increasing the weekly or maximum benefit amount (MBA). A condition for State law approval, all "States" are required to participate in the CWC arrangement.

Federal wages, both civilian and military, may be combined with State covered wages under this arrangement. The paying State for a CWC claim is the State in which the claim is filed, except if the claimant is monetarily ineligible on the basis of combining. In which case, the paying State is the last State in which the individual worked in covered employment, including Federal employment, and qualifies on the basis of combining wages.

Benefits paid are charged to the State whose covered wages have been used to establish the entitlement. Charges bear the same ratio to the total benefits paid as wages from the transferring State bear to the total wages used in determining the claim. When Federal wages are transferred, the transferring State is not billed for its share of the benefits. Instead, benefits that otherwise would have been chargeable to the transferring State are charged directly to the Federal account by the paying State.

Claims under this arrangement are filed under the intrastate and interstate programs.

e. **Interstate Benefit Payment Plan (IBPP).** The IBPP is an agreement to which the States voluntarily subscribe. Unlike other programs which describe a type of benefit such as UCFE, Unemployment Compensation for Ex-Servicemembers (UCX), State, etc., the Interstate Benefit Program (IB) describes a method for handling claims filed under all other programs on an interstate basis as opposed to intrastate.

The IBPP provides a method by which States act as agents for each other in taking and forwarding information pertaining to claims to the State (liable) in which the individual had covered employment or has an existing claim on file and who otherwise may be deprived of benefits because of their absence from the State.

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For some claims filed under this program, State agencies may request information from the Federal agency for response to another State. This occurs under a further cooperative arrangement between a few States, with the same base period and similar requirements, to initiate the request for wage and separation information for each other when a claim is filed as a means to reduce the length of time between the date of claim and the receipt of wage and separation information.

Until 1970, the Social Security Act (SSA) contained no provisions relating to the payment of benefits to individuals who no longer resided in the State in which wage and benefit credits were earned. In 1970, a provision was added to the SSA to prohibit the denial or reduction of benefits solely on the basis that the claim is filed from another State (or contiguous country with whom the United States has an agreement). However, the program continues to operate under the voluntary agreement.

By agreement between the governments of Canada and the United States, Canada participates in the IBPP with all States on a reciprocal basis. No other foreign country currently participates in the IBPP.

f. **Approved Training.** Section 3304(a)(8) of the Social Security Act prohibits the denial of benefits to an individual (for reasons relating to unavailability for work, active search for work, or refusal to accept work) who is in a State approved training program. Therefore, a former Federal employee in benefit status and attending State approved training would not usually be denied benefits for failure to leave training to accept a reinstatement or appointment with the Federal agency.

3. General Administration.

The U.S. Department of Labor (DOL), SESAs, and Federal agencies all have responsibilities for the administration of the UCFE program.

a. **Responsibilities of the U.S. Department of Labor.** Federal law (5 U.S.C. 8501-8509) establishes the Secretary of Labor as the authority responsible for interpretation of the UCFE law (including the determination of what constitutes Federal service and wages for UCFE purposes), promulgation of regulations to implement and carry out the purposes of the law, and for administration of the program including the payment of benefits, if necessary. Therefore, the construction of 5 U.S.C. 8501-8509 is the sole responsibility of the DOL. The Secretary's regulations which implement the UCFE program are set forth at 20

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CFR Part 609. The Federal law and regulations are reprinted as an Appendix A and B, respectively, to these instructions. The Secretary's coverage interpretations (Federal service and wages) are addressed in greater detail in Chapter II and Appendix C.

Any questions concerning interpretation of the law, the regulations, DOL instructions for the administration of the program, or coverage of Federal service and wages for UCFE purposes should be submitted to:

U.S. Department of Labor
Employment and Training Administration
Unemployment Insurance Service, Attn. TEUMI
200 Constitution Ave., N.W.
Washington, D.C. 20210

Federal law (5 U.S.C. 8502) allows the Secretary of Labor to enter into an agreement with a State, or an agency administering the UC law of a State, to determine and pay compensation claimed under this program in the same amount and under the same terms and conditions as apply to claims filed under the State law.

The Secretary has agreements with all States and all States and jurisdictions have approved laws. Therefore, State UI offices in each State, the District of Columbia, Puerto Rico and the Virgin Islands take and pay claims filed by former Federal employees and determine their eligibility to receive unemployment benefits.

Federal law (5 U.S.C. 8503) further provides that, in the absence of an agreement with a State or the agency administering such State's UC law, the Secretary will determine and pay benefits, in accordance with such State's law, to individuals who, except for the lack of an agreement, would have been payable under such State's law. "State law" as used in this context means the UC law of a State approved by the Secretary of Labor under Section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)).

The DOL, Employment and Training Administration (ETA), Unemployment Insurance Service (UIS), reviews, on request, Forms ES-931, Request for Wage and Separation Information, and other documents where the Federal agency indicates that the claimant's employment was not "Federal service" for UCFE purposes and there is no prior DOL coverage ruling. In such instances, DOL examines the relevant facts to determine if coverage is consistent with the applicable UCFE provision and issues a coverage ruling advising the Federal and State agencies' of the Secretary's determination.

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In instances where a Secretary's coverage decision has been issued and a Federal agency submits a Form ES-931 with a Federal Service indication that is contrary to the Secretary's prior coverage decision, the SESA will follow the Secretary's coverage decision. (All facts must be the same as those contained in the coverage decision.)

The Department also receives, for review, a copy of each judicial or administrative decision ruling on an individual's entitlement to payment of UCFE or credit for a waiting period. This review, along with the coverage reviews discussed above, help to assure, insofar as possible, the uniform interpretation and application of the UCFE Act throughout the United States.

b. **Responsibilities of SESAs.** Full responsibility for State administration of the UCFE program lies with the head of the SESA. The Secretary of Labor has agreements with SESAs for the administration of the various UC programs. The DOL provides funds to SESAs for the proper administration of the UC program. Within the DOL's oversight responsibility, the ETA has recommended the designation, within the SESA's Central Office, of an individual responsible for managing UCFE operations within the framework of regular State UC operating units (See APPENDIX E for State Coordinators). The individual in charge of this coordination should be delegated sufficient authority and staff assistance to ensure compliance with UCFE instructions, and he/she should be responsible for the following activities:

(1) UCFE Activities.

(a) Ensuring the prompt preparation and distribution of appropriate procedural instructions, both in the Central Office and in local (or area) offices.

(b) Making on-site appraisals of the effectiveness of the programs, including adherence to procedures, with particular emphasis on local (or area) office operations.

(c) Developing methods to ensure the proper use of Federal civilian and military wage credits when applicable.

(d) Making recommendations for the training of claims interviewers and claims-processing personnel, including persons performing monetary and nonmonetary determination functions.

(e) Ensuring uniformity of interpretation, including the requirement that UCFE claimants be treated the same as other claimants (i.e., State UC) with respect to monetary

UCFE INSTRUCTIONS FOR STATE AGENCIES

eligibility, ability to work, availability for work, and disqualifications under the State UI law.

(f) Ensuring that the central office maintains a listing of Federal agency addresses and keeps them current by updating from Forms ES-931 and/or the issuance of Unemployment Insurance Program Letters (UIPLs) and providing those addresses to their operating facilities.

(g) Notifying the Louisiana Claims Control Center (LCCC) when a UCFE claim has been filed.

(2) UCFE Liaison Activities.

(a) Cooperating with Federal agencies.

(b) Following up on requests for wage and separation information when local or area offices have been unable to obtain the information.

(c) Supervising the program for verification of wage and separation information, including coordinating visits to Federal agency installations by appropriate personnel.

c. Responsibilities of Federal Agencies.

(1) **Management and Administration.** Each Federal agency has been advised to consider establishing a position of Program Manager to head the UCFE program. The manager should have the authority to make changes to the agency's internal operations in order to ensure effective administration.

20 CFR 609.26 of the Secretary's Regulations (5 U.S.C. 8508) provides that each Federal agency shall designate one or more of its officials to be its liaison concerning UCFE matters with the DOL. This position may be combined with the Program Manager position by the Federal agency.

The Federal agency is to advise the DOL concerning the following:

(a) The name, title, address and telephone number of the designated liaison.

(b) Any change of address to which all forms and correspondence pertaining to a UCFE claim are to be sent.

(c) Any instructions or informational material prepared by the agency pertaining to the UCFE program is to be submitted for approval to the DOL prior to issuance.

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The following address will be used by the Federal agency for providing the above cited information:

U.S. Department of Labor
Employment and Training Administration
Unemployment Insurance Service - TEUMI
200 Constitution Avenue, N.W.
Washington, D.C. 20210

(2) Requirements of Federal Agencies. Federal agencies are responsible (5 U.S.C. 8506) for:

(a) Furnishing information to their separating employees concerning their rights to receive UC on Form SF-8.

(b) Furnishing information as requested by the SESA to determine the claimant's entitlement to UC which includes:

(i) findings of fact relating to a determination of "**Federal Service**" to be made by the SESA in accordance with Federal Law and the directives of the Secretary of Labor;

(ii) the periods of applicable **Federal Service**;

(iii) the amount of Federal wages in connection with **Federal Service**; and,

(iv) the reasons for termination of **Federal Service**.

(c) Furnishing corrected or additional information on request of a claimant, SESA, or a State administrative appeals authority.

(d) Furnishing State agencies with such statistical reports of wages and employment as may be required in connection with the administration of the program.

(e) Reimbursing the Federal Employee Compensation (FEC) Account in the full amount of the quarterly bill for benefits paid within 30 days of receipt. Resolving issues pertaining to charges with the appropriate State UCFE coordinator.

(f) Providing a statement and explaining to all newly hired and rehired employees who may be receiving or may

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have applied for UC benefits of their responsibility to notify the SESA, in writing, of their employment. Federal personnel offices shall provide to each newly hired and rehired employee, the following statements:

"If you have applied for or are receiving Unemployment Compensation payments, it is your responsibility, under penalty of law, to notify the appropriate local office of your employment. Failure to do so can result in a penalty such as a fine, imprisonment, or both".

(g) Notifying the U.S. DOL of the address to which the UCFE bill and the quarterly detailed list of charges are to be sent.

(h) Ensure that instructions issued by the U.S. DOL are distributed to and executed by payroll and personnel units at all installations of the agency and ensure that the agency is carrying out its responsibilities in a timely manner to:

(i) Provide written internal procedures to all staff having any responsibility for any part of the UCFE program.

(ii) Advise all employees of any new or revised procedures or instructions provided by the U.S. DOL.

(iii) Take actions to correct problems noted during reviews/visits conducted by DOL, regional offices and/or SESA representatives.

(iv) Assess the agency's UCFE program operations through the internal control process on a regular basis.

(v) Review periodically the contractor's performance if the Federal agency is utilizing the services of a contractor to assist in its UCFE responsibilities.

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CHAPTER II - FEDERAL SERVICE AND FEDERAL WAGES

1. Introduction.

a. **Federal Service.** "Federal service" is not limited to civilian employees who are covered for civil service retirement purposes. The term "Federal service," as used in the UCFE program and these instructions, means work performed in the employ of the United States, or any wholly-owned or partially-owned instrumentality of the United States, with the exception of the specifically excluded services listed in 5 U.S.C. 8501. Federal agencies have been advise that individuals performing "Federal Civilian Service" will be eligible for benefits upon separation, provided the individuals meet the employment and wages qualifying requirements of State UC law. Benefits paid by the SESA are charged to the Federal agency based on the Federal agency pro rata share of benefit cost.

b. **Federal Wages.** The term "Federal wages" is defined in (5 U.S.C. 8501(2)) as "all pay and allowances, in cash or in kind, for Federal service" and thereby includes all payments for sick leave, annual leave (including lump-sum) and severance pay.

c. **Secretary's Interpretations.** The Secretary of Labor makes determinations whether specific instances or categories of Federal employment and pay constitute "Federal Service" and/or "Federal Wages" in accordance with 5 U.S.C. 8501.

(1) Letter Interpretations. Originally, these interpretations were provided to the impacted Federal agency and SESA in the form of a letter. The major interpretations are listed below by Federal agency in subchapters 2. and 3. of this CHAPTER.

(2) Coverage Rulings. The DOL, UIS, will provide the following controlling guidance to the SESAs.

(a) Guidance on certain categories of workers. The SESAs are expected to make UCFE determinations of claimant eligibility and only request UCFE coverage rulings in rare instances. The UIS will issue operating instructions providing the SESAs with general guidance on certain categories of workers who either do or do not perform "Federal service" for UCFE program coverage purposes.

(b) Blanket Rulings. These UCFE program coverage rulings are issued by the Director, UIS, and published in the Federal Register when it is possible to determine whether or not

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"Federal service" for UCFE program coverage purposes is performed by a class of workers. The first such ruling (UCFE Program Coverage Ruling No. 92-1) dealt with the Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees and was published April 17, 1992. During fiscal years 1994 and 1995, all earlier rulings will be reissued in the coverage ruling format.

(c) Individual Rulings. These UCFE program coverage rulings are made by the Director, UIS, on a case-by-case basis when it is not possible to issue a blanket ruling because the factors involving the case are unique or otherwise not present in other cases.

Appendix C has been reserved for such coverage rulings and operating instructions.

2. Secretary's Interpretations: Federal Service/Federal Wages.

The Secretary of Labor has determined the following types of employment to constitute "Federal service" (civilian) and "Federal wages" (civilian) within the meaning of the Federal UCFE law.

a. Department of Agriculture.

(1) Agriculture cooperative employees (i.e., State-Federal) serving under Federal appointments including those with the Agriculture Extension Service.

(2) Agriculture Stabilization and Conservation Service- employees of county and community committees (local committees are known as ASC committees).

(3) Agricultural Boards and Committees- employees only, not members.

(4) Soil Conservation Service.

b. Department of Commerce.

(1) Census- Census enumerators.

(2) Coast and Geodetic Survey- commissioned officers.

(3) Public Works and Economic Development Act (PWEDA) of 1965, Public Law 89-136.

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(4) Regional Fishery Management Councils- Executive directors and subordinate employees who are paid wages/salaries from the following named Councils' funds:

- (a) Caribbean Council,
- (b) Gulf Council,
- (c) Mid-Atlantic Council,
- (d) New England Council,
- (e) North Pacific Council,
- (f) Pacific Council,
- (g) South Atlantic Council, and
- (h) Western Pacific Council.

c. Department of Defense.

(1) Armed Forces non-appropriated fund activities-

(a) services performed in the United States in the employ of authorized non-appropriated fund activities by civilian (citizen or non-citizen) employees and U.S. military personnel employed voluntarily during off-duty hours.

(b) services performed by American citizens and off-duty U.S. military personnel in the employ of authorized non-appropriated fund activities operating at overseas locations.

(2) National Guard and Air National Guard Civilian employees under the National Guard Technicians Act of 1968, Public Law 90-486.

d. Department of Health and Human Services.

Public Health Service commissioned officers.

e. Department of Interior.

(1) Individuals paid from Congressional appropriations of tribal funds held in trust by the United States and disbursed by Federal Government disbursing officers on the basis of vouchers and payrolls certified by U.S. Government officials.

(2) Fish and Wildlife Service- Mammal control agents.

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f. Department of Justice.

Inmates of correctional institutions appointed by Federal agencies prior to release under the terms of the Prisoner Rehabilitation Act of 1965 (Public Law 89-176).

g. Department of Transportation.

(1) Maritime Administration- administrative enrollees.

(2) U.S. Merchant Marine Academy- including Ships Service Store, Junior Officer's Mess, Officer's Club, Petty Officer's Club, Midshipmen Morale Fund, Athletic Fund, Cultural Events Fund, Protestant Chapel Fund, Jewish Chapel Fund, and Catholic Chapel Fund.

(3) Wage Marine positions.

h. Miscellaneous- Other.

(1) Administrative employees of members of Congress and congressional committees.

(2) Joint Federal/State Commissions- employees paid by the Commission.

(3) Joint employees. That portion of joint service performed and the wages earned in the employ of the partially-owned instrumentality of the United States.

(4) National Credit Union Administration (NCUA).

(5) Partially owned Federal instrumentalities- including any Federal intermediate credit banks, banks for cooperatives, or production credit associations in which the Federal Government owns capital stock.

(6) Presidential and Schedule C appointees.

(7) Temporary appointments, such as 30, 60, or 90 day temporaries and Postal Service Christmas temporaries or appointments for other short-term or part-time non-career employment.

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3. Secretary's Interpretations: Not Federal Service/Federal Wages.

The Secretary of Labor has determined that service in the employment of the entities or in the particular categories of employment identified below does not constitute "Federal service" under 5 U.S.C. 8501(1).

a. Departments of Government.

(1) Department of Interior. Individuals paid from Indian tribal funds.

(2) Department of State. Grantees under the Educational Exchange Program (U.S. Information and Education Act of 1948, Public Law 80-402).

(3) District of Columbia Government. Employment covered by District Unemployment Compensation Act.

(4) Peace Corps- Volunteers and Trainees.

(5) Trust Territories (such as Guam, American Samoa). Employment provided by Guam and the American Somoas does not constitute Federal Civilian employment.

b. Other Institutions.

(1) Federal Credit Unions.

(2) Federal Intermediate Credit Banks, banks for cooperatives, or production credit associations in which the Federal Government owns no capital stock.

(3) Federal Home Loan Banks.

(4) Federal Land Banks.

(5) Federal National Mortgage Association.

(6) Federal Reserve Banks.

(7) Local Housing Authorities- State, district, county, or municipal.

c. Miscellaneous- Other.

(1) Community Service Employment for Older American Workers- enrollees/members.



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(2) Elective Officials in the Executive or Legislative Branches.

(3) Elective State Coverage. When a partially-owned instrumentality of the United States, i.e., Production Credit Association, Intermediate Credit Bank, etc., has elected State coverage.

(4) Joint Federal/State Commissions- Employees not paid by the Commission.

(5) Service Performed Outside The United States. Service performed outside the United States by non-citizens.

(6) Temporary Emergency Employment- employment on a temporary basis in cases of fire, storm, earthquake, flood, etc., to take care of a catastrophic emergency.

(7) Youth Conservation Corps (YCC)- enrollees/members.

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CHAPTER III - FORMS USED TO ADMINISTER THE UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEE PROGRAM.

The following list of forms/notices used in the UCFE program provides a brief description of each form/notice. The particular forms/notice and their use are explained in further detail throughout this Handbook.

SF-8, Notice to Federal Employee About Unemployment Compensation

Form provided to a separating Federal employee by a Federal agency that explains his/her potential eligibility for UC and provides the name and address of the separating Federal agency where wage and separation information can be obtained.

SF-50 Standard Form 50

In most Federal agencies, the official notice of a personnel action separating a Federal civilian employee is an SF-50. Some agencies issue a modified document with a different form number for this purpose.

Form ES-931, Request For Wage and Separation Information

Form used by SESAs to request wage and separation information from the Federal agency.

Form ES-931A, Request For Separation Information For Additional Claim-UCFE

Form prepared by SESAs to request separation information from the Federal agency, when a UCFE claim has been previously established.

Form ES-933, Request for Information Regarding Claims Filed Under the Federal Employees' Compensation Act

Form prepared by the SESA to request information concerning workers' compensation claims filed by Federal employees.

Form ES-934, Request for Additional Information or Reconsideration of Federal Findings-UCFE

Form prepared to request additional or clarifying information from the Federal agency by the SESA. This form is utilized when the SESA needs additional information or when a claimant asks for explanation of information previously provided by the Federal agency.

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Form ES-935, Claimant's Affidavit Of Federal Civilian Service, Wages And Reason For Separation

Form completed by the claimant providing wage and separation information during the initial claim process. It is forwarded with the Form ES-931 to the Federal agency. The SESA will use the Form ES-935 Affidavit to establish benefit eligibility when the Form ES-931 is not returned by the Federal agency within 12 workdays.

Form ES-936, Request For Verification of UCFE Wage And Separation Information Furnished on Form ES-931

Form prepared to request verification of information previously received on the Form ES-931.

Form ES-939, UCFE Program-Federal Agency Visit Report

Form used to report on a Federal agency visit conducted by the SESA. A DOL representative may also have participated in the visit.

Form IB-1 Initial Interstate Claim

Form used by the Agent State to record claims information to forward to the liable state for an initial interstate claim.

Statement of Expenditures of Federal Funds for Reimbursable Unemployment Compensation Benefits Paid to UCFE Claimants

Form used to "Bill" Federal agencies for UCFE benefits paid by the SESAs to UCFE claimants.

Quarterly Listing (also called as Detailed Listing)

The Quarterly Listing or Detailed Listing identifies individuals filing and receiving benefits from a given State in a given calendar quarter which will be charged to the Federal agency account. Adjustments to prior quarters charges are also reflected.

Notice of Financial Determination (also called Monetary Determination)

Form used to notify claimant and employer of the financial eligibility of a claimant and provide information on appeal rights and process. The specific form design will vary among the

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SESAs. The Federal agency should review the notice to determine if the wages used to determine eligibility of the claimant agree with the completed ES-931.

Notice of Non-Monetary Determination

Form used to notify claimant and employer of the SESA's determination concerning eligibility or other non-monetary issue(s). Information is also provided on appeal rights and the appeals process.

Notice of Benefit Charges

Some SESAs may send notice forms designed for State-covered employers showing benefit charges to all employer accounts in the base period. Federal agencies are required to reimburse the FEC Account for the pro rata share of benefits paid based on Federal wages earned to the total amount of compensation paid in the base period.

Notice of Appeal

A Notice of Appeal form is completed by a claimant or an employer wishing to appeal a determination if the party reports in person to the SESA's office. This form is prepared by the SESA, if an employer or a claimant mails a letter to the SESA indicating a desire to appeal. A copy of the completed form is generally provided to each "interested party" as a means of notifying them that an appeal has been filed.

Notice of Hearing

A Notice of Hearing is mailed to each interested party to the appeal. It will include, among other information, the date, time and place of hearing. If the hearing is to be conducted by telephone, the notice of hearing will so advise.

Referee's Decision, Decision of Administrative Hearing Officer, etc.

This form identifies the first level appeal official's findings of fact, reasoning and decision on a determination appealed by either the claimant or the employer. It also provides information on further appeal rights and process. The title given to the first level appeal officer and the specific form design for his/her decision will vary by SESA.

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**Order, Decision and Order of Appeals Tribunal,
Board of Review, etc.**

This form identifies the second level appeal body's findings of fact, reasoning and decision on a determination appealed by either the claimant or the employer. It also provides information on further appeal rights and process. The title given to the second level appeal body and the specific form design for its decision will vary by SESA.

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1. Notice to Federal Employee About Unemployment Insurance, Standard Form 8

The Standard Form 8 (SF-8), Notice to Federal Employee About Unemployment Insurance, is generally the first form a Federal employee sees concerning UCFE. It provides the foundation for the individual to file a claim at the nearest Local Public Employment Service Office of the SESA. When this form is given to a separating employee, it will start a chain of events that are meaningful to the separating agency, separated employee and the State UC office.

The Federal agency must provide the separating employee with an explanation of the form and should emphasize the importance for the employee to provide the SF-8 to the SESA local office when filing a claim. The SF-8 will expedite the claims process and assure the payment of benefits promptly.

Prior to the issuance of this form, if this separation is a separate instance (as opposed to a reduction-in-force), no additional action would be taken by the Federal agency except for assuring the availability of separation information when the other UC forms are received from the SESA. However, if the separation is part of a reduction-in-force, or downsizing, planning should be accomplished between the SESA and Federal agency. Coordination should enable streamlined operations such as unemployment forms completion and/or reemployment assistance services under the direction of the SESA. Group meetings may be scheduled for presentation by the SESA of various services, forms completion and other related assistance that could expedite processing both for the SESA and Federal agency. Coordination for the completion of the SF-8 and the Form ES-931 will enable all parties to reduce their paperwork.

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a. Notice to Federal Employee About Unemployment Insurance, Standard Form 8 (Front)

TAKE THIS FORM WITH YOU IF YOU GO TO FILE A CLAIM

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE) PROGRAM

NOTICE TO FEDERAL EMPLOYEE ABOUT UNEMPLOYMENT INSURANCE

This form has been given to you because (1) you have been separated from your job, or (2) you were placed in a nonpay status, or (3) your records have been transferred to a different payroll office.

Unemployment insurance (UI) for Federal workers. When unemployed, Federal workers may be entitled to UI benefits similar to those of workers in private industry. If you become unemployed or are in a nonpay status and want to FILE A CLAIM, go to the nearest LOCAL PUBLIC EMPLOYMENT SERVICE OFFICE of the STATE EMPLOYMENT SECURITY AGENCY to register for work and file your claim for UI. Your ELIGIBILITY for UI CANNOT be determined until AFTER you file a claim. DO NOT DELAY filing a UI claim; if you wait, your unemployment benefits may be reduced or you may not qualify for any benefits.

To help EXPEDITE your claim, take THIS FORM with you, your SOCIAL SECURITY ACCOUNT NUMBER CARD, the OFFICIAL NOTICE of your most recent SEPARATION or of your present NONPAY status (Standard Form 50 if available), EARNINGS and LEAVE statements, or similar documents that indicate you were employed by a Federal agency.

FEDERAL AGENCY will insert in the box:

1st line—Parent Federal Agency Name and 3 digit code number

2nd line—Major Component (if any)

3rd and 4th line—complete address to which all forms pertaining to a claim should be sent (ES-931, 931A, 934, 936, and notices of appeal, hearings, and determinations)

3 Digit
Identification
FEDERAL AGENCY

	CODE NO.

To be completed by the *Federal Agency*:

Contact Name/Office

Telephone No. (include area code)

KEEP THIS FORM and TAKE IT WITH YOU if you file a UCFE/UI claim for unemployed Federal workers provided by Federal law (U.S. CODE, Title 5, Chapter 85). For more information about UCFE/UI, read the REVERSE SIDE of this form.

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b. Notice to Federal Employee About Unemployment Insurance, Standard Form 8 (Reverse)

**UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE) PROGRAM
UNEMPLOYMENT INSURANCE (UI) FOR FEDERAL WORKERS**

TAKE THIS FORM WITH YOU IF YOU GO TO FILE A CLAIM

GENERAL INFORMATION:

1. WHO WILL PAY UNEMPLOYMENT BENEFITS?

If you are eligible, you will be paid by a State employment security agency under the provisions of its unemployment insurance (UI) law. The amount of your regular weekly benefits and the period for which benefits will be paid will generally be determined by the law of the State in which you had your last Official Duty Station. This Duty Station will be printed on your final "Notification of Personnel Action", SF-50. If you have received all the regular benefits for which you are eligible, you may, under certain circumstances, become eligible for additional weeks of extended benefits; check with a State local office official. If your last duty station was outside the United States, you will not be eligible until you return to the United States, including the District of Columbia, Puerto Rico, and Virgin Islands. Your benefit rights will then be determined under the law of your State of residence.

UCFE/UI for unemployed Federal workers is paid from U.S. Government funds. No deductions were taken from your pay to finance these benefits.

2. UNDER WHAT CONDITIONS WILL I BE ELIGIBLE?

All State UI laws require that:

- a. You must be unemployed, able to work, and available for suitable work; (In some cases, you may be eligible if you are employed less than full time);
- b. You must register for work and file a claim at a local public employment service/UI claim office;
- c. You must continue to report to the office as directed; and
- d. You must have had a certain amount of employment/wages within a base period of 1 year specified in the State law and have been separated through no fault of your own.

All State UI laws will deny you benefits for such reasons as:

- a. Quitting your job voluntarily without good cause or being discharged for misconduct connected with work; or
- b. Refusing an offer of a suitable job without good cause.

Some State UI laws deny or reduce UI benefits for certain types of payments you may receive (retirement, severance, and/or lump-sum amount for unused, accrued annual leave).

3. DO I HAVE THE RIGHT OF APPEAL?

Yes. If a determination is made denying you benefits, you have the right to appeal as provided in the applicable State law.

4. ARE THERE ANY PENALTIES?

Yes. If you willfully make a false (fraudulent) claim, you may be fined, imprisoned, or both. If you make a mistake in giving information when you file your claim, notify the local UI claims office as soon as you discover the mistake: prompt notification may avoid a penalty.

(The above statements are issued for general information; they do not have the effect of law, regulation, or ruling).

IF YOU BECOME REEMPLOYED and have been collecting UCFE/UI benefit payments, it is your RESPONSIBILITY to notify the local office, in writing, to discontinue paying benefits now that you are employed. Failure to do so may result in a penalty such as a fine, imprisonment, or both.

UCFE INSTRUCTIONS FOR STATE AGENCIES

c. **Purpose and Use.** The SF-8 informs employees of their right to file a claim for UC, explains the basic eligibility requirements, provides general information as to how, when and where to file a claim, and describes the documents which the individual should take when filing a claim (20 CFR Part 609.20). It also identifies the name and address of the separating Federal agency where wage and separation information can be obtained.

Federal agencies are required to issue this form on or before the last day of work to each employee who is:

(1) separated for any reason, including voluntary retirement;

(2) placed or will be in a non-pay status for 7 or more consecutive calendar days (voluntary or involuntary); or,

(3) transferred to the jurisdiction of a different payroll/personnel office.

NOTE: The possession of an SF-8 by the claimant is not by itself, to be considered credible evidence of Federal employment.

The Federal agency **must not** try to determine which separating employee is entitled to UCFE benefits and issue an SF-8 on that basis. All separating employees must be issued an SF-8 except as provided in subchapter (e) below.

Issuance of the SF-8 by the Federal agency should **not be delayed** pending completion and issuance of the SF-50, Notification of Personnel Action (or similar document), or for any other reason.

In addition to issuing the SF-8, the Federal agency's personnel office, or someone that has been designated in the employing office, **must** explain the purpose of the form to each separating employee. The separating employee should be instructed to take the SF-8 to the local SESA office when he/she files a claim for unemployment insurance benefits as it contains information used by the SESA to ensure that all correspondence/inquiries necessary to the claim will be directed to the appropriate Federal agency address/office.

d. **Content.** The DOL has developed language which meets the notification requirements and has obtained the necessary approvals for the form. The form is completed with the parent Federal agency name, 3-Digit Federal Agency Code, component name/symbol, and complete address to which all forms and correspondence must be sent by the SESA. A Federal agency

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contact person/organizational unit and complete telephone number is also included.

Federal agencies have a continuing responsibility to ensure that each SF-8 issued reflects current, complete and accurate information.

NOTE: The SF-8 identifies and limits the Federal agency to one address to which all claims related forms and correspondence are to be sent.

e. Intermittent, Part-time, Temporary Employees.

Individuals whose work or tours of duty are on an "on-call" or intermittent basis (i.e., substitute postal clerks) should be issued an SF-8 only the first time in each calendar year that they are placed in non-pay status. Issuance of an SF-8 is not required for subsequent periods of non-pay status during the year as long as the individual is paid through the same payroll/personnel office.

Temporary, part-time and others employed on a less than full-time permanent basis should have been issued an SF-8 on the last day of work when the appointment expires or when the first instance of non-pay status occurs.

f. Employees Stationed Overseas. American citizens who are Federal civilian employees (which includes employees of non-appropriated fund activities of the Armed Forces) who are separated, or transferred to the jurisdiction of another payroll office or are placed in non-pay status while outside of the United States should have been given an SF-8 by the Federal agency no later than on the last day of active duty.

g. Non-Appropriated Fund Activity Employees. Civilian employees in the United States and American citizens overseas and military personnel (in or outside of the United States) who were employed voluntarily during off-duty hours by authorized non-appropriated fund activities are covered for UCFE purposes and should have been issued a SF-8 on or before the last day of work prior to separation, transfer or being placed in non-pay status.

h. Hire/Rehire Notices. The Federal agency must provide each newly hired and rehired employee, the following notice:

"If you have applied for or are receiving unemployment compensation payments, it is your responsibility, under penalty of law, to notify the appropriate local office of your employment. Failure to do so can result in a penalty such as a fine, imprisonment, or both."

UCFE INSTRUCTIONS FOR STATE AGENCIES

i. **State Agency Responsibility.** The UIS has emphasized to the Federal Agencies the importance of the issuance of the SF-8 and that it is essential to advise the individual to take the SF-8 to the unemployment insurance claims office when filing a claim. The responsibility then rests with the claims taker to assure that the information is appropriately recorded on all claims forms for processing.

When a claimant fails to provide an SF-8, the claimstaker is responsible for obtaining the information. Each Agency should maintaining listings of addresses of Federal agencies to be used when the claimant fails to present an SF-8.

2. Introduction to Standard Form 50 (SF-50)

An SF-50 or its equivalent, contains information which assists a SESA in determining an individual's potential entitlement to benefits or, as a source document, in providing employee identification on Form ES-931, including: the claimant's SSN (item 2); the nature of the personnel action (item 5-B); its effective date (item 4); the position title (item 7); the salary rate at time of separation (item 12); the duty station (item 39); and under remarks (item 45), when appropriate, the Federal agency's reason(s) for separation. Item 39, Duty Station, shows where the claimant was actually stationed, and is needed to determine, for assignment purposes, the "official station" as defined in the Federal UCFE regulations.

When appropriate, item 45, Remarks, contains an explanation of the reason(s) for separation. Such explanation may alert the local office claims interviewer to an other than lack-of-work separation.

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Standard Form 50 (SF-50), Notification of Personnel Action

Standard Form 50
Rev. 7/91
U.S. Office of Personnel Management
FPM Supp. 296-33, Subch. 4

NOTIFICATION OF PERSONNEL ACTION

1. Name (Last, First, Middle)				2. Social Security Number				3. Date of Birth				4. Effective Date													
FIRST ACTION								SECOND ACTION																	
5 - A Code				5 - B Nature of Action				6 - A. Code				6 - B. Nature of Action													
5 - C Code				5 - D. Legal Authority				6 - C. Code				6 - D. Legal Authority													
5 - E Code				5 - F Legal Authority				6 - E. Code				6 - F. Legal Authority													
7. FROM: Position Title and Number								15. TO: Position Title and Number																	
8. Pay Plan		9. Occ. Code		10. Grade or Level		11. Step or Rate		12. Total Salary		13. Pay Basis		16. Pay Plan		17. Occ. Code		18. Grade or Level		19. Step or Rate		20. Total Salary/Award		21. Pay Basis			
12A. Basic Pay				12B. Locality Adj.		12C. Adj. Basic Pay		12D. Other Pay				20A. Basic Pay				20B. Locality Adj.		20C. Adj. Basic Pay		20D. Other Pay					
14. Name and Location of Position's Organization												22. Name and Location of Position's Organization													
EMPLOYEE DATA												AGENCY DATA													
23. Veterans Preference						24. Tenure						25. Agency Use						26. Veterans Pref for RIF							
1 - None		3 - 10-Point/Disability		5 - 10-Point/Other		0 - None		2 - Conditional				YES		NO		2 - 5-Point		4 - 10-Point/Compensable		6 - 10-Point/Compensable/30%		1 - Permanent		3 - Indefinite	
27. FEGLI												28. Annuitant Indicator						29. Pay Rate Determinant							
30. Retirement Plan						31. Service Comp. Date (Leave)						32. Work Schedule						33. Part-Time Hours Per Biweekly Pay Period							
POSITION DATA												AGENCY DATA													
34. Position Occupied						35. FLSA Category						36. Appropriation Code						37. Bargaining Unit Status							
1 - Competitive Service		3 - SES General		E - Exempt												2 - Excepted Service		4 - SES Career		N - Nonexempt					
38. Duty Station Code												39. Duty Station (City - County - State or Overseas Location)													
40. AGENCY DATA				41.				42.				43.				44.									
45. Remarks																									
46. Employing Department or Agency												50 Signature/Authentication and Title of Approving Official													
47. Agency Code				48. Personnel Office ID				49. Approval Date																	

TURN OVER FOR IMPORTANT INFORMATION
5 - Part

1 - Employee Copy - Keep for Future Reference

Editions Prior to 7/91 Are Not Usable After
6/30/93
NSN 7540-01-333-6236

UCFE INSTRUCTIONS FOR STATE AGENCIES

CHAPTER IV - UCFE CLAIMS PROCESS

1. Taking UCFE First Claims.

A new UCFE claim is a request for determination of eligibility for UC for Federal civilian employees. This claim may be based on only Federal civilian employment and wages, or may also include Federal military service and wages or State-covered employment and wages. The claimant may file a UCFE-only claim, or a joint claim: UCFE-UCX, UC-UCFE, or UC-UCFE-UCX; an intrastate, interstate, or combined-wage claim, depending on the source of employment and wages on which unemployment benefits may be payable.

An interstate UCFE claim will be taken when a claimant's Federal civilian service and wages are assignable to a State other than the State in which the claimant files the initial claim. When a claimant has UCFE wages assignable to more than one State and is separately eligible under different States' laws, the claimant may elect to file against either State in the same manner as any claimant with eligibility in different States. The claimant, having employment in more than one State, may also elect to file a combined-wage claim.

a. Presentation of SF-8 by the Claimant. To the extent possible, before a new UCFE claim is taken, the claims interviewer must determine whether the claimant was a civilian employee of the Federal Government during the State's base period that is applicable to his or her claim. A UCFE claimant must be asked to present the SF-8 at the time a new claim is filed for UCFE. In order that the claimant may understand the request more clearly, the claims interviewer should show the claimant a sample copy of an SF-8.

Generally, intermittent or on-call employees, such as substitute postal clerks, crop insurance adjusters, and persons who are paid only "when actually employed" (WAE's), will receive a SF-8 only once during a calendar year. Normally, it will be issued the first time they are placed in nonpay status by the Federal employer.

The SF-8 provides for the SESA's use, the parent Federal agency name, 3-Digit Federal Agency Code, component name/symbol, and complete address to which the request for separation and wage information (Forms ES-931, etc.) should be sent. A Federal agency contact person/organizational unit and complete telephone number should be provided by the Federal agency.

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Possession of a SF-8 is not proof that a claimant is a Federal employee or that the person has UCFE entitlement.

Individuals entitled to UCFE benefits must meet all the eligibility requirements of the paying State's law in order to receive UCFE benefit payment.

When a claimant does not present an SF-8, the address for the Federal agency should be obtained from the central office listing. Each SESA's central office has the responsibility for maintaining a current list of Federal agency addresses. This information should be updated by the State agency from recently completed Forms ES-931 or from information provided by the UIS.

Instances of failure of the Federal agency to furnish an SF-8 should be called to the attention of the appropriate Federal agency. Notification may be accomplished by correspondence, telephone call, or personal visit. The importance of the form in expediting UCFE claims processing should be stressed. If a Federal installation's failure to issue the forms is either widespread or continuous, the local office should notify the SESA's central office to arrange for appropriate coordination to visit the Federal installation.

b. **Interviewing the UCFE Claimant.** The claims interviewer will determine whether or not the claimant has previously filed a new UCFE claim, either since his or her most recent separation from Federal civilian employment or, if such employment was of short duration, within the last 12 months. Questions are to be asked orally of each potential new UCFE claimant to determine if he/she should file a new, additional, or reopened claim. These questions may be added to the State UC new-claim form to expedite the interviewing process. The claimant should also be questioned about any out-of-State claims since, instead of taking a new intrastate UCFE claim, an additional or reopened interstate UCFE claim might be appropriate.

If a new UCFE claim was not previously filed, the claims interviewer should then ascertain, the State to which Federal civilian service and wages are assignable, so that the type of new UCFE claim, intrastate, interstate, or combined-wage, may be determined. The SF-50 (item 39, Duty Station) provides this information. Also, if a new intrastate UCFE claim is taken, the SESA should ensure that Federal civilian service and wages previously assigned to another State are not used again in making a UCFE monetary determination. The claims interviewer should, as a minimum requirement, review the claimant's work history since the beginning of the State's base period that is applicable to

UCFE INSTRUCTIONS FOR STATE AGENCIES

the claim. Completion of Form IB-1 will adequately cover this area for new interstate UCFE claims.

Forms ES-931, Request for Wage and Separation Information-UCFE are to be sent to all Federal agencies that provided base year and/or lag quarter employment.

The same intrastate claim forms (for internal use by the State agency) and procedures used for new State-UC claims will also be used for new UCFE claims, except the letters "UCFE" are to be added on the face of the new-claim form.

SESA forms used for UC claimants requesting separation information should not be sent to Federal agencies.

The benefit year will be determined in accordance with liable State (the State which will pay benefits) Law.

Generally, all interstate forms and procedures published in ET Handbook No. 392 apply to interstate UCFE claims. The optional use of the Claimant/Employer Separation Statement, Form IB-3, does not apply to Federal employment. This form is not to be sent to a Federal agency or a Federal agency's representative. The liable State will initiate an ES-931 to the Federal agency (or its representative) to obtain both separation and wage information.

2. New Interstate Claims.

The claimstaker must ensure that the claimant has answered questions 1 thru 17 of the Initial Interstate Claim, Form IB-1, in a complete and legible manner and must complete items A thru M and items 18 thru 20 of the form. If, at the time of filing, the claimant has available a Notice to Federal Employee About Unemployment Compensation, Form SF-8, the claimstaker should ensure that the agency address where wage and separation information may be obtained as stated on the SF-8 is provided on the Form IB-1. Such address should be entered in space for "payroll address" in Item 15, "Work Record" if it is different from the address of the place of employment in the same item. If the claimant does not present an SF-8, the claimstaker should follow intrastate procedures for ensuring that the correct payroll office address is provided to the liable State for use on Form ES-931.

The agent State is required to complete a Form ES-935 and provide it to the liable State with each new UCFE claim. If the claimant does not have proof of earnings, advise the claimant that such

UCFE INSTRUCTIONS FOR STATE AGENCIES

proof may be requested by the liable State. Agent State processing of the initial claim should not be delayed pending proof of earnings provided on the Form ES-935.

3. Introduction to Form ES-931, Request for Wage and Separation Information-UCFE.

Form ES-931 is used by the local office and the Interstate Claims Office to obtain Federal civilian employment, wage, and separation information whenever an individual files a potential "first claim" (UCFE), as defined in the Federal UCFE regulations (20 CFR 609.2 (j)).

If two or more States are involved, a Form ES-931 may be used by any of the following: agent State (e.g., new interstate UC claim, UCFE service/wages assignable to agent State), liable State (new interstate UCFE claim), or even a third State. A completed Form ES-931 serves as the basis for determining the individual's creditable Federal civilian service and wages, as well as the reason for separation from the most recent Federal employing agency.

a. A Form ES-931 is sent:

(1) to each Federal agency for which the claimant worked during the base period, and/or lag period, up to the date of separation,

(2) to the last Federal agency for which the claimant worked if the most recent Federal employing agency is other than the Federal agency for which the claimant worked during the base period.

Form ES-931 is to be prepared in the local office or liable State unit and sent to the Federal agency on the same day the new claim is taken or claim documents are received in the liable State unit.

Form ES-931 is used to obtain wage data in the base period and up to the date of separation which may occur after the base period (lag period or lag quarter wages).

The Standard Form 8 (SF-8) is used by the SESA to complete the parent Federal agency name, 3-Digit Federal Agency Code, component name/symbol, and address on the Form ES-931.

The Form ES-935, Claimants Affidavit of Federal Civilian Service, Wages and Reason for Separation is completed by the claimant with

UCFE INSTRUCTIONS FOR STATE AGENCIES

the Form ES-931. The Form ES-935 provides the claimant's statement of the reason for separation and wage information. Forms ES-931 and ES-935 are mailed by the SESA to the Federal agency's address on the SF-8.

NOTE: When the SESA does not receive the Federal agency response within 12 days of the request date, the SESA will issue a financial and non-monetary determination on the basis of the claimant's information as provided on the Form ES-935.

States using a computer generated Form ES-931 may include the claimant's statement from the Form ES-935 on a computer printout in lieu of attaching the form.

Generally, wages will be requested for the base period (a one year period specified in State law that precedes the effective date of the claim) and the period subsequent to the base period. Federal law (5 U.S.C. 8504) requires the assignment of all Federal civilian wages, preceding the effective date of a first claim, that establishes a benefit year.

a. Authorization for Release of Information. The Privacy Act of 1974 allows a Federal agency to provide wage and separation information to a SESA from general personnel records, including Official Personnel Folders, in connection with the determination of a former Federal employee's entitlement/eligibility for UC. Such disclosure is considered compatible with the purposes of the system of records and is included within the routine uses permitted for those records.

However, separation information pertaining to probationary employees and other employees without appeal rights in cases of removal may not be maintained in the Official Personnel Folders. Therefore, the release of such separation information may require a signed consent of disclosure unless the individual Federal agency has included the SESA as a user, and the UC program as a purpose of use, in its annual notice published in the Federal Register concerning the system of records used to maintain such information. Although the Form ES-931 provides for obtaining a signed consent from the claimant, when necessary, the lack of a signed authorization does not preclude the Federal agency from responding to the State's request for information, except as stated above.

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b. **FORM ES-931**

ES-931 - REQUEST FOR WAGE AND SEPARATION INFORMATION - UCFE

(STATE AGENCY NAME)	LOCAL OFFICE:	DATE NEW CLAIM FILED:
	CONTACT:	DATE OF REQUEST:
	TELEPHONE:	DATE TO LOC:

SECTION I. IDENTIFICATION DATA

1. NAME (LAST, FIRST, MIDDLE, MAIDEN (IF ANY)) _____

2. SOCIAL SECURITY NUMBER _____

3. BIRTH DATE (MM/DD/YY) _____

4. POSITION TITLE _____

5. PLACE OF EMPLOYMENT (CITY, STATE OR COUNTRY) _____

6. SEPARATION DATE (MM/DD/YY) _____

7. IS FEDERAL AGENCY ADDRESS BASED ON SF-87? YES NO

8. CLAIMANT WAS: _____

REGULAR FULL-TIME EMPLOYEE INTERMITTENT OR PART-TIME EMPLOYEE

SECTION II. FEDERAL AGENCY REPLY

INSTRUCTIONS: COMPLETE SECTION II AND RETURN WITHIN 4 WORKDAYS

1. FEDERAL FINDINGS TO DETERMINE FEDERAL CIVILIAN SERVICE

A. DID THIS PERSON PERFORM "FEDERAL CIVILIAN SERVICE" AS DEFINED FOR UCFE PURPOSES FOR YOUR AGENCY AT ANY TIME DURING THE BASE PERIOD SHOWN IN ITEM 2. A. BELOW? YES NO IF "NO" ANSWER QUESTIONS B THRU F.

B. UNDER WHAT LEGAL AUTHORITY WAS INDIVIDUAL HIRED? _____

C. WHAT FUNDING SOURCE WAS USED FOR SALARY PAYMENTS? _____

D. WERE PAYROLL DEDUCTIONS MADE FOR FEDERAL AND STATE TAXES? YES NO

E. WAS EMPLOYEE ELIGIBLE FOR :

(1). ANNUAL AND SICK LEAVE? YES NO (2). HEALTH AND LIFE INSURANCE? YES NO

(3). CIVIL SERVICE OR PERS RETIREMENT? YES NO

F. DID THE FEDERAL AGENCY PROVIDE DIRECTION AND CONTROL? YES NO

G. DUTY STATION: ENTER STATE OF THIS PERSONS LAST EMPLOYMENT WITH YOUR AGENCY (OR IF OUTSIDE U.S. ENTER COUNTRY): _____

*NOTE: IF "NO" TO D., E(1) THRU E(3) OR F EXPLAIN ON SEPARATE ATTACHMENT!

2. FEDERAL WAGES /SECTION I. CORRECTIONS

<p>A. REPORT OF WAGES</p> <table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">QUARTER ENDING</th> <th style="text-align: left;">YEAR</th> <th style="text-align: left;">GROSS WAGES</th> </tr> </thead> <tbody> <tr><td>19</td><td></td><td>\$</td></tr> <tr><td>19</td><td></td><td>\$</td></tr> <tr><td>19</td><td></td><td>\$</td></tr> <tr><td>19</td><td></td><td>\$</td></tr> <tr><td>19</td><td></td><td>\$</td></tr> <tr><td>19</td><td></td><td>\$</td></tr> </tbody> </table>	QUARTER ENDING	YEAR	GROSS WAGES	19		\$	19		\$	19		\$	19		\$	19		\$	19		\$	<p>B. REPORT OF DUTY HOURS</p> <p>NUMBER OF DUTY HOURS: _____ WORKDAY _____ BASIC WORKWEEK</p> <p>C. IDENTIFICATION OF INCORRECT DATA SHOWN IN SECTION I. ENTER CORRECTIONS BELOW:</p>
QUARTER ENDING	YEAR	GROSS WAGES																				
19		\$																				
19		\$																				
19		\$																				
19		\$																				
19		\$																				
19		\$																				

3. TERMINAL ANNUAL LEAVE, SEPARATION AND SEVERANCE PAY INFORMATION

A. DID THIS PERSON RECEIVE A LUMP-SUM PAYMENT(S) FOR TERMINAL ANNUAL LEAVE ON OR AFTER THE BEGINNING DATE OF THE BASE PERIOD SHOWN IN 2. A. ABOVE? YES NO IF "YES", OR IF CURRENTLY ENTITLED TO SUCH A PAYMENT, RECORD DATES BELOW FOR EACH PAYMENT OF ENTITLEMENT SINCE SUCH DATE.

PAYMENT DATE: ___/___/___ DAYS OF LEAVE: _____

PERIOD FROM: TIME: _____ DATE: ___/___/___ TO: TIME: _____ DATE: ___/___/___

B. DATE OF SEPARATION ___/___/___ C. LAST DAY OF ACTIVE PAY STATUS ___/___/___

D. REASON FOR SEPARATION OR NONPAY STATUS: _____

E. DID THIS PERSON RECEIVE OR IS HE/SHE ENTITLED TO RECEIVE SEVERANCE PAY PROVIDED BY FEDERAL LAW OR AGENCY EMPLOYEE AGREEMENT? YES NO IF "YES", COMPLETE THE FOLLOWING INFORMATION: TOTAL ENTITLEMENT: \$ _____

WEEKLY ENTITLEMENT \$ _____ NUMBER OF WEEKS: _____ BEGINNING DATE: ___/___/___ ENDING DATE: ___/___/___

SECTION III.

A. SIGNATURE OF OFFICIAL: _____ DATE: _____

B. NAME OF PARENT FEDERAL AGENCY, 3-DIGIT FEDERAL AGENCY CODE, AND ADDRESS (IF DIFFERENT FROM ADDRESS SHOWN BELOW).

PRINT NAME: _____

TITLE: _____

TELEPHONE: () _____

(STATE AGENCY TO COMPLETE)

FEDERAL AGENCY, 3 DIGIT FEDERAL AGENCY CODE AND ADDRESS.

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C. Reverse of Form ES-931

IMPORTANT NOTICE

If a completed Form ES-931 is not received in this office by the 12th calendar day from the date the first request was made, this agency may pay benefits to the claimant based on his/her affidavit as provided by Department of Labor's Regulation at 20 CFR 609.6(e)(2). Any benefit payments made to the claimant will be charged to the Federal employing agency(ies) in accordance with Section 1023, P.L. 96-499, Omnibus Reconciliation Act of 1980 (94 Stat. 2599).

**COMPLETION INSTRUCTIONS TO FEDERAL AGENCY
(ALSO: SEE FRONT OF THIS FORM)**

As an alternative to completing this form, attaching computer printouts containing complete data are acceptable if procedure and forms were cleared with U.S. Department of Labor (attn: TEUMI) Washington D.C. 20210.

State agency has completed Section I, Identification Data, and Section II, item 2.A. Report of Wages, Quarter Ending and Year for base-period calendar quarters. Section II, item 1.A. asks if the individual performed "Federal Civilian Service". If the Federal agency response is "NO", Questions 1.B. thru 1.F. are to be completed. Item 1.G. will be answered when the individual has performed "Federal Civilian Service".

The information is available on the SF-50 or Payroll records. Provide a separate attachment if necessary.

Items 2.A., 2.B., and 2.C. For item 2.A., enter, either gross wages, when paid, in Federal Civilian Service or "none" if no wages for that period. Do not include as wages: (1) severance pay; (2) lump sum payment(s) for terminal annual leave, or (3) any other type of separation payment. For item 2. B, enter hours, such as 8 and 40 for full-time employee. For item 2.C, enter only Section I corrections, such as social security number shown on Federal agency's records.

Item 3. A. Enter data requested, generally self-explanatory.

Items 3.B. and 3.C. Enter dates requested. The date in item 3. C., includes annual and sick leave days if earlier than the date of separation (3.B.) or if employee is not separated.

Item 3.D. Obtain agency findings from SF-50: Item 5-B "Nature of Action" and item 45, "Remarks", or, if SF-50 not used, record equivalent information from other separation document(s) your agency used. See Federal Personnel Manual (FPM) Supplement 296-33 for standards on work connected "Resignation" cases, carefully review FPM requirements applicable since January 1, 1982. If payroll office records are incomplete or inadequate, or if information on SF-50 is not sufficient, check with personnel for additional information and add as part of separation information, ATTACH COPIES OF DOCUMENTS, IF APPROPRIATE.

NOTE: In addition to the separation information reported in item 3.D., a representative of your agency may visit the local office to present information. If your agency desires to provide information in person, please indicate in item 3.D.

Item 3.E. Self-explanatory.

Section III. A. Form is not complete unless it (or attached computer printout) is signed and dated; also enter signer's title and telephone number.

Section III. B. Self-explanatory.

RETURN COMPLETED FORM TO STATE AGENCY!
(State Agency Address)

UCFE INSTRUCTIONS FOR STATE AGENCIES

d. Completion of the Form ES-931.

(1) Sources of data. Information included in Section I of Form ES-931 by the SESA is obtained from:

- (a) Information on Forms SF-8 and SF-50;
- (b) SSN card; and
- (c) Questioning the claimant.

(2) SESA adaptation. Each SESA is required to reproduce entries contained on Form ES-931, except that item 3e of Section II (regarding severance pay) is optional. In States in which "weeks of employment" or "hours worked" information is required, the SESA may modify item 2.a. of Section II. as necessary; a SESA may also insert the Federal agency's address on the face of the form in lieu of using the reverse for this purpose.

Any other proposed modification of Form ES-931 by a SESA should be submitted to the USDOL National Office through the appropriate Employment and Training Administration Regional Office for review and approval prior to it's use. (This procedure applies also to Forms ES-931A, ES-933, ES-934, ES-936, and ES-939.)

(3) Number of copies and distribution. Sufficient copies of Form ES-931 are to be prepared for SESA use plus an additional copy for retention by the Federal agency. The original and at least one copy will be submitted by the local office to the appropriate Federal agency payroll office except as otherwise directed by the Employment and Training Administration in specific cases. The Federal agency will return the form to the address printed or typed in the return-address space. Indicia return envelopes should not be included in mailings to Federal agencies. When the original Form ES-931 request is sent to the Federal agency, a copy of Form ES-931 should be maintained in the SESA's central office records.

(4) Preparation of Form ES-931. The Form ES-931 is initiated by the SESA and forwarded to the Federal agency the same day the claim is filed. In order to expedite the claims process, the Form ES-931 does not need to be typed, as long as it is legible.

(5) Heading. Completion by local office (SESA).

(a) Local Office. Enter the identification and location of the office preparing the form. In addition, a

UCFE INSTRUCTIONS FOR STATE AGENCIES

telephone number (including area code) of a contact person and/or office must be provided in the "local office" box.

(b) Date new claim filed. Enter the actual date the new UCFE claim is taken. The "actual date" may not necessarily be the effective date of the claim.

(c) Date of request. Enter the date Form ES-931 is prepared and sent to the Federal agency.

(d) Date to LCCC. Enter date information was transmitted to the LCCC.

(6) Section I. Completion by local office.

(a) Item 1. Enter the claimant's full name plus maiden name, if any, in parentheses--e.g. Elliot, Sara (Johnson). Obtain data from item 1 of the SF-50, other official document, State new-claim form, or by questioning claimant.

(b) Item 2. Enter all of the SSN(s) shown in item 2 of the claimant's SF-50 or on any SSN card(s) presented by the claimant, or obtained from any other official document, such as a W-2 Form, identifying each number, in parentheses, as to source: e.g., SF-50. Include the dashes between digits (e.g., 123-45-6789).

(c) Item 3. Enter the date of birth (e.g., 3-1-80) shown on item 3 of claimant's SF-50, other official document, State new-claim form; or obtain by questioning claimant. Completion of this item is necessary to assist the Federal agencies identification of a former employee's records.

(d) Item 4. If the claimant has an official document which shows his/her position (job) title, this information can be used to complete item 4. This information may be obtained from item 7 or item 15 of the SF-50. Otherwise, question the claimant as to his/her position (job) title.

(e) Item 5. Enter the city and State (or city and country, if outside U.S.--e.g., Ottawa, Canada) of the claimant's most recent Federal civilian employment with the agency to which Form ES-931 is addressed. Obtain data from: claimant's SF-8; item 39 of claimant's SF-50, other official documents presented; or by questioning claimant.

(f) Item 6. Enter the date of separation or the date of the last day of active pay status. The latter date is to be entered if it is earlier than the date of separation or if the

UCFE INSTRUCTIONS FOR STATE AGENCIES

employee has not been separated. Completion of item 6 will assist Federal agencies in the identification of a former employee's records. Obtain above information from item 4 (Effective Date) of SF-50, from other official documents presented, or by questioning claimant.

(g) Items 7a and 7b. Make appropriate entry.

(h) Items 8a and 8b. Mark appropriate boxes.

(i) Claimant's signature. A signed Privacy Act release statement is no longer required from a claimant. However, if a State law requires all claimants to sign a Privacy Act release statement, then the UCFE claimant would also be required to sign a Privacy Act release statement.

(7) Section II. Federal Agency Reply.

(a) Item 1. Self-explanatory.

(b) Item 2.A. Under "Report of Wages," enter the specific periods for which wage information is being requested. All requests should cover a minimum of 6 quarters. The request should include the entire period up to the date of the claimant's separation, not just the period the claimant worked for the Federal agency.

States with laws determining unemployment benefits on the basis of weeks of employment instead of wages in calendar quarters, or requiring other wage or employment information for a determination, must adapt item 2a of Form ES-931 to suit their needs.

(c) Other Items Under Section II. Self-explanatory.

(8) Review of Form ES-931 by the SESA. Prior to mailing to the Federal agency personnel/payroll office, each Form ES-931 will be reviewed for completion and accuracy, and to verify the correctness of the State of assignment and to ensure that a copy of the Affidavit, Form ES-935, is attached to the Form ES-931. This supervisory review will include comparing Form ES-931 entries with information contained on the corresponding SESA new-claim form. A copy of the Form ES-931 will be sent to the SESA's central office with other UCFE claim documents. The same process should be followed for Federal agencies who use a contractor to process UCFE claims before sending the forms to the contractor.

The SESA's central office is to retain one copy of each

UCFE INSTRUCTIONS FOR STATE AGENCIES

Form ES-931 mailed in a tickler file for necessary follow-up action. Upon receipt of the properly completed Form ES-931, the tickler file copy may be destroyed.

(9) Action by Federal Agency Upon Receipt of Form ES-931. Upon receipt of Form ES-931, the Federal agency will complete the following items of Section II, "Federal Agency Reply."

(a) Section II Item 1.A. The Federal agency will indicate, by marking the "Yes" or "No" box, whether or not the claimant performed Federal civilian service during the 6 quarters (or other period) specified in item 2.A. If the Federal agency marks the "No" box, it should complete Questions B. through (D)., E.(1) thru (3). and F. If additional space is needed, a separate attachment should be used to explain why the claimant's service was not considered to be Federal civilian service.

The U.S. Secretary of Labor is responsible for interpretation of the term "Federal civilian service." This responsibility is delegated to the SESA by agreement.

(b) Item 1.5. The Federal agency will enter the individual's State or (if outside U.S.) country of last employment with that agency. This information, as instructions to the Federal agency for item 1b direct, is obtained from item 39, "Duty Station," as shown on the individual's SF-50, or, if SF-50 was not used by the Federal agency for this employee's separation, the information is obtained from the duty station or similar entry as shown on the Federal agency's equivalent separation from employment document.

(c) Item 2 - Wages

Item 2.A., "Report of Wages." The Federal agency will enter the amount of Federal civilian wages for each of the 6 quarters requested by the SESA. If there were no such wages for any or all of the calendar quarters requested, the word "None" will be inserted in the appropriate space(s).

"Federal wages" (civilian) are defined in the Federal UCFE law (5 U.S.C. 8501(2)), as all pay and allowances, in cash and in kind, for Federal civilian service. The U.S. Secretary of Labor is responsible for interpretation of this term. The Secretary has determined that such pay and allowances include, among other things, all payments for annual leave, lump-sum payments for terminal leave, and cost-of-living allowances.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(10) SESA processing upon receipt of completed Form ES-931. As provided in the State Agreement with the U.S. Secretary of Labor, the SESA must determine if the claimant performed Federal civilian service. The Form ES-931 provides findings of fact to be used by the SESA to make an appropriate determination. When a Federal agency returns a Form ES-931 which is incomplete or obviously in error as to the information entered on the form, including data which would affect the monetary determination (e.g., Federal civilian wages reported), the SESA should telephone the Federal agency official as noted on the Form ES-931. The Federal agency should be requested to follow-up with verification of the telephone information in writing and/or a completed Form ES-934.

When it is determined that the claimant performed Federal civilian service, the use of all wages (Federal Civilian Wages) is appropriate within the base year. However, when it is determined that the claimant's employment was not Federal civilian service, it must be determined if his/her employment was otherwise covered for UC purposes.

The alternatives are:

(a) the employment was provided under contract between a company and the Federal agency. The employer for UC purposes would be the company. Therefore wage and separation information should be obtained from the company.

(b) The individual was an independent contractor hired by the Federal agency. Eligibility must be determined under State law.

The SESA has the responsibility to determine benefit eligibility whenever a claim is filed. Even when it is determined that the claimant did not perform Federal civilian service, further investigation must be conducted to determine if the claimant is otherwise eligible for UC under State or Federal law.

4. Action by SESA When Form ES-931 Is Not Returned by Federal Agency.

If Form ES-931, addressed to a payroll/personnel office located within the United States:

a. is not returned by the Federal agency within 10 days after it was mailed; and

b. the Federal agency has failed to notify the SESA in writing that return of the form will be delayed.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1) The SESA will send to the Federal agency a duplicate Form ES-931 containing the notation "SECOND REQUEST" (underscored in red), followed by the statement, in parentheses "(Mailed (appropriate date))." Second requests addressed to payroll offices located outside the United States are to be mailed when 21 days have elapsed.

(2) After 12 days have elapsed since the first Form ES-931 was sent to the Federal agency, the claimant affidavit should be used to make a determination, when appropriate, and pay UCFE benefits providing credible evidence of Federal employment is on file.

c. At the time the SESA sends the initial Form ES-931 to the Federal payroll office, as well as any "SECOND REQUEST" of Form ES-931, the following statement should be attached:

"If a completed Form ES-931 is not received by the State Employment Security agency by the 12th day from the date the first request was made, the State agency may pay benefits to the claimant based on his/her affidavit as provided by Secretary of Labor's Regulation 20 CFR 609. Any benefit payments made to the claimant will be charged to the Federal employing agency(ies) in accordance with Section 1023, P.L. 95-499, Omnibus Reconciliation Act of 1980 (94 Stat. 2599).

d. After the "SECOND REQUEST", Form ES-931 has been sent, the SESA need not make any further effort to obtain wage and separation information from the Federal agency.

e. If SESA can obtain credible UCFE wage and separation information from the claimant, it will use the Form ES-935, for the purpose of paying UCFE benefits to eligible claimants and will retain copies of all Forms ES-931 sent to a Federal agency, as well as the Form ES-935, to support the payment of UCFE benefits.

5. Louisiana Claims Control Center (LCCC).

a. Requests to the LCCC. For initial UCFE claim taken, the SESA will send one batch of inquiry data each day to LCCC via the Internet telecommunications link or the SESA may mail inquiry data to LCCC twice each week on magnetic tape.

Machine-readable claims control inquiry to LCCC may still be used, but is not recommended. State agencies may only submit a

UCFE INSTRUCTIONS FOR STATE AGENCIES

second, machine-readable inquiry to LCCC for the following situations: claimant with two or more social security numbers; joint UCFE/UCX initial claim filing; or corrected inquiry to replace an original inquiry logged at LCCC with incorrect data. SESAs are encouraged to use the Internet method because of its speed and economy.

The LCCC will prescribe the format and content of the machine readable inquiry used by the SESA, as well as transmittal form, to request UCFE data and will inform SESAs regarding request procedures. If a SESA elects to transmit UCFE data via the Internet system, the SESA will create records instead of machine readable inquiries in the prescribed UCFE formats using the Job Control Language (JCL) required for transmission.

b. SESA Procedures With the LCCC.

(1) When a claimant files a new claim which requires the preparation and mailing of Form ES-931, the central office of the paying State will be responsible for promptly preparing and sending to the LCCC an inquiry which identifies: the claimant's name; SSN; the date of new claim filing; the local office number as shown on the ES-931; a SESA transmittal number; a second SSN if appropriate; and the name of the paying State. All data will be encoded according to the format which the LCCC has prescribed separately. The SESA will not delay transmission of the inquiry to the LCCC pending a return of the ES-931 to the SESA by the respective Federal agency.

(2) SESA communications with LCCC concerning UCFE inquiries will be initiated solely by members of the State central office staff. Local office employees will not generate communications with LCCC.

(3) The SESA will not delay payment of UCFE benefits pending receipt of a reply from LCCC.

(4) SESAs may request the removal of inquiry data from the LCCC by the submission of a properly formatted, machine-readable inquiry which includes the key phrase of "CANCEL." The SESA may submit corrected inquiries to LCCC for the removal of erroneous or outdated inquiry data.

(5) When the SESA is informed that prior inquiries were made by the same or another SESA on a UCFE claimant, it will immediately ascertain if the claimant's wages were already assigned for UCFE entitlement. If so, the SESA should assure that all or part of the assigned wages are not used again or that a duplicate benefit claim is not established and paid.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(6) In the case of a possible interstate duplication, the SESA will immediately contact any other SESA that was reported to have made a "prior inquiry." The SESA should take appropriate action to ensure which State is the correct State of assignment. If two or more State agencies cannot resolve the correct State of assignment, the UCFE case should be referred to the USDOL National Office, via the appropriate Regional Office, for final resolution.

(7) The SESA may transmit batches of UCFE claims control inquiries to LCCC via either the Internet system or via magnetic tape. Internet transmissions may be daily and do not require any accompanying transmittal correspondence. Magnetic tape transmissions may be made twice weekly and require accompanying correspondence which shows: the name of the requesting SESA, a batch number and date of submittal, the number of inquiries in the batch, and the name and SSN of one UCFE claimant whose machine-readable inquiry is in the batch to provide additional identification of the material.

State agencies may contact LCCC regarding claims control inquiries by calling 800-535-8100 or writing to:

U.S. Department of Labor
Louisiana Claims Control Center (LCCC)
P. O. Box 94246, Capitol Station
Baton Rouge, Louisiana 70804-9246

(8) SESA will keep a log on all transactions made to LCCC.

c. LCCC Procedures.

(1) Data inquiry (including the State agencies batch number) received by the LCCC will be entered into its computer system for access by the claimant's Social Security Account number. Canceled notices will be purged from the system.

(2) The LCCC will use the Internet system to make its first response to State agencies who make inquiry via Internet. The LCCC will respond to machine-readable inquiries by listing all State agencies with previously recorded claims control inquiries at the LCCC for a given SSN. All other responses will be sent via first class mail.

(3) In those instances in which the LCCC has received a machine-readable inquiry for a claimant for whom it had previously received a machine-readable inquiry from the same or

UCFE INSTRUCTIONS FOR STATE AGENCIES

another SESA, it will notify the SESA with respect to each instance in which it received a machine-readable inquiry pertaining to the claimant in the past 24 months.

(a) The LCCC notice of duplication to the SESA will report the following with respect to each duplicate previously received: the name of the claimant; SSN; name of prior State of inquiry; respective local office; and date of claim.

(4) LCCC will purge the computer system of a UCFE inquiry whenever the date on which the new claim was filed becomes 24 months old.

6. Introduction to Form ES-935 Claimant's Affidavit of Federal Civilian Service, Wages and Reason for Separation.

The Form ES-935 should be taken as part of the initial claims process based on materials submitted by the claimant, when the claimant presents credible evidence of Federal employment such as an SF-50, earnings and leave statements, or W-2. One copy of the Form ES-935 should be attached to the Form ES-931 to be forwarded to the Federal agency. One copy should be retained by the SESA and placed in the claimant's folder as documentation to support a monetary and nonmonetary determination if the completed Forms ES-931, ES-931A or ES-934 has not been received from the Federal agency by the 12th day after the form/s were sent to the Federal agency. When a Form ES-931, Form ES-931A or Form ES-934 is received after a determination has been made based on information contained in Form ES-935, a redetermination should be made, if appropriate, in accordance with State law. Information supplied by a Federal employer after a determination has been made should be given the same consideration and should have the same effect as material information supplied by a State-UC covered employer under similar circumstances.

The Form ES-935 should identify the documentary evidence submitted by the claimant to show he or she performed civilian service for the Federal Government. If at the time the UCFE claimant completes a Form ES-935, he or she does not have documentary evidence to indicate performance of Federal service, the claims interviewer should advise the claimant to bring such documents to the local office at the earliest opportunity.

UCFE INSTRUCTIONS FOR STATE AGENCIES

a. **FORM ES-935.**

(STATE AGENCY NAME)
**ES-935 CLAIMANT'S AFFIDAVIT OF FEDERAL CIVILIAN SERVICE,
 WAGES AND REASON FOR SEPARATION - UCFE**

STATE AGENCY:	LOCAL OFFICE:	CONTACT: TELEPHONE:																																				
CLAIMANT'S NAME:	FEDERAL AGENCY & 3 DIGIT FEDERAL AGENCY CODE	TYPE OF CLAIM: ___ NEW ___ ADDITIONAL																																				
SOCIAL SECURITY NUMBER: _____-_____-_____-	EMPLOYMENT ADDRESS	DATE CLAIM FILED: (MM/DD/YY)																																				
BIRTH DATE: (MM/DD/YY) ____/____/____		EFFECTIVE DATE OF CLAIM: (MM/DD/YY)																																				
		DATES OF EMPLOYMENT: (MM/DD/YY) FROM: TO:																																				
DUTY STATION: (CITY, STATE OR COUNTRY)																																						
2. FEDERAL WAGES / DOCUMENTARY EVIDENCE																																						
<table style="width:100%; border-collapse: collapse;"> <thead> <tr> <th colspan="3" style="text-align: left; padding: 2px;">A. REPORT OF WAGES</th> <th style="text-align: left; padding: 2px;">B. DOCUMENTARY EVIDENCE</th> </tr> <tr> <th style="text-align: left; padding: 2px;">QUARTER ENDING</th> <th style="text-align: left; padding: 2px;">YEAR</th> <th style="text-align: left; padding: 2px;">GROSS WAGES</th> <th style="padding: 2px;"></th> </tr> </thead> <tbody> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> <tr> <td style="padding: 2px;">19</td> <td style="padding: 2px;">\$</td> <td style="padding: 2px;"></td> <td style="padding: 2px;"></td> </tr> </tbody> </table>		A. REPORT OF WAGES			B. DOCUMENTARY EVIDENCE	QUARTER ENDING	YEAR	GROSS WAGES		19	\$			19	\$			19	\$			19	\$			19	\$			19	\$			19	\$			
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SEVERANCE PAY: DID YOU RECEIVE OR ARE YOU ENTITLED TO RECEIVE SEVERANCE PAY PROVIDED BY ANY FEDERAL LAW OR AGENCY-EMPLOYER AGREEMENT? ___ YES ___ NO IF YES COMPLETE THE FOLLOWING INFORMATION.																																						
WEEKLY AMOUNT \$ _____	NO. OF WEEKS: _____	TOTAL ENTITLEMENT \$ _____																																				
SEVERANCE PAY PERIOD: FROM: ____/____/____ TO: ____/____/____																																						
DATE(S) OF PAYMENT: _____																																						
PENSION: ARE YOU ENTITLED TO RECEIVE A PENSION FROM ANY BRANCH OF THE FEDERAL GOVERNMENT? ___ YES ___ NO IF YES, ENTER GROSS MONTHLY PENSION \$ _____																																						
REASON FOR SEPARATION:																																						
<p>I, the claimant, understand: that penalties are provided by law for an individual making false statements to obtain benefits; that any determination based on this affidavit is not final; that it is subject to correction upon receipt of wage and separation information from the Federal agency for which I worked; that benefit payments made as a result of such determination may have to be adjusted on the basis of information furnished by the Federal agency; and that any amount overpaid may have to be repaid or offset against future benefits.</p> <p>I, the Claimant, swear, or affirm, that the above statements, to the best of my knowledge and belief, are true and correct.</p>																																						
SIGNATURE OF CLAIMANT	DATE	SIGNATURE OF LOCAL OFFICE REPRESENTATIVE																																				
		DATE																																				

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b. Number of Copies and Distribution. Prepare sufficient copies of Form ES-935: one copy for the monetary determination file, one copy for the nonmonetary determination file, one copy for the claimant, and one copy to be attached to the Form ES-931 for forwarding to the Federal agency.

c. Completion. Items on Form ES-935 are self-explanatory. Block 9.c., Documentary Evidence, must be completed in all cases. Block 12, Reason for Separation, should, if possible, be completed on the face of the form. If additional space is needed, the reverse side of the form may be used.

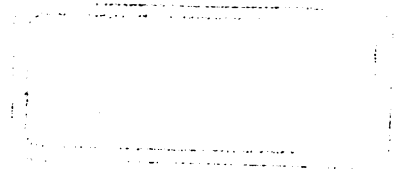
d. Federal civilian employees' salary rates. For completion of Block 9b, "Gross Wages," refer to the most recent UIPL showing a list of Federal Annual Salary Rates, as an aid in determining the claimant's wages.

7. Introduction to The Form ES-934, Request for Additional Information Regarding Federal Findings-UCFE.

The SESA will use the same methods provided by State law, procedures, etc., to obtain or verify wage and separation data, resolve differences in data, and to make determinations. If, however, missing or clarified data is needed, Form ES-934 should be used to obtain information from a Federal agency.

The claimant, either before a determination is made or within the State appeal period, may indicate that the findings of the Federal agency contain errors or omissions, or that the claimant wishes further information or reconsideration of the original findings. In such a case, Form ES-934 should be sent to the Federal payroll office by the SESA.

Form ES-934 may be sent to the Federal agency before a nonmonetary determination is issued, or it may be sent as a result of a claimant's request for information or reconsideration after the determination is issued. If a determination has been issued, the appeal period under State law determines the time limits within which a Form ES-934 may be filed by a claimant. In some States, the initiating of a request for information or reconsideration of Federal findings, will protect the claimant's appeal rights. If State law requires the filing of an appeal or any other action in addition to initiating such request in order to protect the claimant's appeal rights, he or she should be advised to take such action. A signed Privacy Act release statement is no longer required from a claimant. However, if a State law requires all claimants to sign a Privacy Act release statement, then a UCFE claimant would also be



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required to sign a Privacy Act release statement.

UCFE INSTRUCTIONS FOR STATE AGENCIES

a. Form ES-934.

(STATE AGENCY NAME)

LOCAL OFFICE:

**REQUEST FOR INFORMATION OR RECONSIDERATION
OF FEDERAL FINDINGS-UCFE**

SECTION I. IDENTIFICATION DATA

1. NAME (LAST, FIRST, MIDDLE, MAIDEN (IF ANY)) 2. SOCIAL SECURITY NUMBER 3. DATE OF BIRTH (MM/DD/YY)
4. POSITION TITLE: 5. PLACE OF EMPLOYMENT (CITY, STATE, OR COUNTRY) 6. DATE OF SEPARATION (MM/DD/YY)
7. FEDERAL AGENCY, 3 DIGIT FEDERAL AGENCY CODE AND ADDRESS 8. REQUEST DATE: ES-931 _____ ES-931A _____
9. CLAIMANT'S EMPLOYMENT IS: _____ REGULAR FULL-TIME _____ INTERMITTENT OR PART-TIME

SECTION II. REQUEST FOR INFORMATION/RECONSIDERATION

1. REQUEST: (BE SPECIFIC: IF ADDITIONAL SPACE IS NEEDED, PROVIDE A SEPARATE ATTACHMENT).

2. LIST THE SUPPORTING DOCUMENTS SUBMITTED BY CLAIMANT (DUPLICATE COPY(IES) MAY BE ATTACHED).

3. SIGNATURE (STATE AGENCY REPRESENTATIVE) 4. DATE (MM/DD/YY)

SECTION III. FEDERAL AGENCY REPLY

INSTRUCTIONS: RESPOND FULLY TO THE INFORMATION REQUESTED IN SECTION II, ITEM 1., "REQUEST" ABOVE WITHIN 4 WORKDAYS. IF ADDITIONAL SPACE IS NEEDED, PROVIDE A SEPARATE ATTACHMENT.

CERTIFICATION: I CERTIFY THAT THE ABOVE OR ATTACHED INFORMATION PROVIDED IN SECTION III HAS BEEN REVIEWED BY ME AND TO THE BEST OF MY KNOWLEDGE IS ACCURATE AND COMPLETE.

SIGNATURE OF OFFICIAL/DATE TYPE OR PRINT NAME & TITLE PHONE

NAME OF FEDERAL AGENCY AND 3 DIGIT FEDERAL AGENCY CODE.

MAIL TO STATE AGENCY ADDRESS:



UCFE INSTRUCTIONS FOR STATE AGENCIES

CHAPTER V - UCFE MONETARY DETERMINATION BY SESA

In making a determination with respect to eligibility for UCFE benefits, the SESA should apply the eligibility and disqualification provisions under State law to the findings provided by the Federal agency. When the Form ES-931 is not returned by Federal agency in 12 days, benefit eligibility will be determined based on information provided by the claimant on Form ES-935. Information received from the Federal agency after a determination has been made will be given the same consideration as information supplied by a State-UC covered employer under similar circumstances.

1. Notice of Monetary Determination of UCFE Claims.

Each notice of monetary determination on a UCFE claim must show the wages reported by Federal agencies and must identify the agencies and the periods for which the wages are reported. UCFE claimants may request reconsideration or additional information from the Federal employing agency.

Notice of appeal rights of the claimant and any other interested parties must be clearly stated on the determination. Any determination by a SESA with respect to periods of service, wages and reasons for separation shall be subject to review and appeal according to State law.

a. UCFE-UCX Joint Monetary Determination. The joint determination must be identified as UCFE-UCX. Although Federal civilian and military service and wages are combined in a single determination, the State determination form must show separately Federal civilian employment and Federal military service. Thus, if a claimant worked for the Federal Government as a civilian and was also in active military service during the State's base period that applies to the claim, his/her Federal employment and wages should be shown as U.S. civilian and U.S. military, or other appropriate designation which identifies separately the two kinds of service.

All base year Federal civilian wages must be used in the monetary determination, even if the inclusion reduces the duration or the weekly amount of benefits to which the claimant is entitled.

b. Combined Wage Claims.

(1) Use of Federal Civilian Service and Wages.

Federal civilian service and wages may be used in a combined-wage claim in the same manner and under the same conditions as

UCFE INSTRUCTIONS FOR STATE AGENCIES

State-covered employment and wages. The State to which Federal service and wages are assignable may use or transfer all or part of such service and wages in the same manner as it uses, or transfers, State covered employment and wages. (Consult ET Handbook No. 399).

Once a claimant elects to file a claim under the combined wage arrangement, all employment and wages in the base period of the claim must be used to establish the combined claim. The paying State must request and use all Federal civilian service and wages in its base period. The transferring State must transfer all available service and wages even if such service and wages are not in its base period. (See ET Handbook No. 399, Appendix A, 20 CFR 609.8.)

(2) **Requesting transfer of UCFE wages.** The paying State should prepare and transmit a Request for Transfer of Weeks/Wages, TC-IB4 to the transferring State and an inquiry to the LCCC.

If the paying State does not receive a prompt and complete transfer of all Federal wages and services from the transferring State, after all efforts have been exhausted, the paying State should request assistance from its appropriate regional office to expedite the transfer. (See ET Handbook No. 399, Chapter V, for additional procedures.)

(3) **Responding to a UCFE Wage Transfer Request.** The transferring State should be guided by the following procedures in transferring UCFE wages:

(a) Upon receipt of a TC-IB4, the transferring State should promptly prepare a Form ES-931 to request all employment and wages in the base period of the paying State and lag quarter or lag period wages to the date of separation.

(b) All available service and wages in the base period of the paying State shall be transferred without restriction as to their use in the determination of entitlement and payment of benefits under the provisions of the paying State's law.

(c) The "transferring State" must also include its request of Federal service and wages that fall within its base period and up to date of separation in order to determine if the claimant would be monetarily eligible for benefits under the transferring State's law and to assign and record to its wage file all assignable wages.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(d) The transferring State should forward to the paying State copies of all UCFE forms completed by a Federal agency(ies), so that all appropriate information can be used by the paying State.

2. Assignment of Transferred Wages.

If Federal civilian service and wages are assignable to a transferring State, the assignment of such service and wages are transferred to the paying State if a first claim results from filing a combined-wage claim.

That portion of the service and wages that is not used to establish the combined wage claim is assignable when the combined wage claim results in a benefit year to the transferring State. Therefore, the transferring State must record to its wage file, or cause to be recorded at the appropriate time, all assignable lag period wages upon receipt of a TC-IB5 (Form IB-5) showing that a benefit year has been established.

If the combined wage claim filed in the other State does not result in a benefit year, the potentially liable State which originally notified the LCCC should prepare and transmit a UCFE inquiry request to LCCC marked "CANCEL" in item 10 or the appropriate field of the computer record format.

a. UCFE Wages not Transferable. Federal civilian wages that have been used as the basis of a determination of entitlement or have been determined to be unavailable for use as the result of a determination issued prior to the receipt of the request for transfer may not be transferred for use on a combined-wage claim.

b. Determination of Federal Share of Benefits on UCFE Combined-Wage Claims. The paying State will issue a Report of Determination of a Combined Wage Claim, TC-IB5 (Form IB-5) to the transferring State of UCFE wages in the same manner as for State covered wages. When a combined wage claim is not established, the TC-IB5 (form IB-5) will be transmitted to the transferring State returning the transferred wages.

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c. Charging of UCFE Benefits Paid on a Combined Wage Claim. The quarterly statement of charges to a transferring State, i.e., the Statement of Benefits Paid to Combined Wage Claimants, Form IB-6, is not prepared and used to charge UCFE benefits. The transferring State is not notified of UCFE charges. UCFE benefits attributable to transferred wages are to be charged to the Federal Government by the paying State in the same manner as charges for a regular intrastate or interstate UCFE benefits paid. The Federal agency's pro rated share of benefits is calculated in accordance with procedures outlined in this Chapter.

3. SESA Allocation of a Lump-sum Payment for Terminal Annual Leave and Severance Pay.

The SESA will determine, under State law, the period to which a lump-sum payment for terminal annual leave is allocable for monetary determination purposes and the effect of the payment. If an employer has an option under State law as to the period the payment will be allocated, the United States, as an employer, considers that it is allocated to the date of separation from Federal civilian employment, as shown on Form ES-931.

The explanatory note to item 2.A. of Form ES-931 instructs the Federal agency not to include as Federal civilian wages, in this item of the form, any Federal civilian severance pay reported in item 3.E. or any lump-sum payment for terminal annual leave reported in item 3.A. of the form. Thus, such a lump-sum payment or severance pay will not be included as base period and/or lag wages in item 2.A. of Form ES-931, even though, under some State laws, all or part of the lump-sum terminal leave payment will be allocated to the base and/or lag period.

Federal civilian severance pay and lump-sum payment for terminal annual leave or severance pay are considered wages. However, these wages must not be included as base period wages in determining monetary eligibility. If these payments are deductible from the weekly benefit amount, they should be used in accordance to State Law to make such deductions.

Item 3.A. of Form ES-931 contains the question: "Did this person receive a lump-sum payment(s) for terminal annual leave on or after the beginning date of the base period shown in items above?" If the Federal agency answers this question "Yes," by marking the appropriate box, or if the former employee is currently entitled to such payment but has not yet received it, the Federal agency will then report in item 3a of the form, for each such payment or entitlement, the beginning and ending dates of the period over which the leave would have extended had the

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worker remained in Federal civilian employment, the amount paid or payable, the date paid (if applicable), the hourly rate of pay, and the hours of duty per workday and per basic workweek. On the basis of this information (modified or clarified by information received from the Federal agency on Form ES-934), the SESA requesting the employment and wage information will determine the period to which the lump-sum payment is allocable under the State law. If any or all of the lump-sum payment is allocated by the SESA to the claimant's base period, the payment so allocated will not be available for a later claim.

Since some State laws require severance pay information, item 3.E. may be included on Form ES-931 which contains the question: Did this person receive or is he/she entitled to receive severance pay provided by any Federal law or agency-employee agreement? If the Federal agency answers "Yes," the Federal agency will then report in item 3.E, the weekly amount, total entitlement, number of weeks, and the beginning and ending dates over which the payments would have extended had the worker remained in Federal civilian employment.

Some UCFE claimants, such as WAE's (individuals who are paid "when actually employed"), will be in non-pay status (i.e., not permanently separated from employment with the Federal agencies concerned) when they file their new UCFE claims. Such claimants may be entitled to receive lump-sum payments for terminal annual leave if they should be separated from Federal civilian employment at a later date. Federal agencies are required to notify State agencies when employees who were in non-pay status and for whom Forms ES-931 have been completed, subsequently receive such lump-sum payments. However, to assure compliance with this requirement and correct treatment of lump-sum terminal-leave payments, State agencies will request Federal agencies to so notify them and will also annotate non-pay status UCFE claimant's records as to their potential entitlement to these terminal leave payments. Claimants should be questioned as to subsequent receipt of lump-sum payments upon their future reporting to the local office, especially during UCFE periodic interviews.

4. Effect of Backpay Award on UCFE Monetary Determination.

A backpay award is a payment of wages covering a period of suspension or other non-pay status to which an employee subsequently is determined to be entitled. In all cases in which backpay is awarded after the Federal agency has completed and transmitted a Form ES-931 to a State, the Federal agency will inform the SESA by letter of the amount of the award, the date on which it was paid, and the period covered by the award.

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The SESA will send the Federal agency a Form ES-931 requesting a corrected report of Federal civilian wages to include the amount of backpay wages determined to be in the claimant's base period. If, under State law, a SESA would redetermine State benefit rights after a claimant received a backpay award from a covered employer, it should also redetermine a UCFE claimant's benefit rights on the same basis.

EXCEPTION:

If as the result of a Back-pay award, an UCFE overpayment is created, and State law requires the employer to recover the overpayment, the SESA will notify the Federal agency, in writing, to collect the amount overpaid from the employee.

5. Federal Civilian Severance Pay.

Severance pay is not to be considered Federal civilian wages, and the period after separation from Federal civilian employment in which severance payments are made will not be considered Federal civilian service for UCFE purposes. Whether or not Federal civilian severance pay is considered disqualifying or deductible from weekly UCFE benefits will be determined in accordance with the provisions of State law.

6. UCFE/UCX/UC Joint Monetary Determinations and Federal Share of Cost.

a. Inclusion of Federal Civilian or Military Service and Wages, or Both in the State's Base Period. If Federal wages (UCFE and/or UCX) are included in the State's base period, the charge to the Federal Government of the cost of unemployment compensation paid to the claimant will be based on the ratio of his/her total Federal wages to the total of all Federal and State-UC wages in the State's base period. When a charge is made to the Federal Government, all assignable Federal and State-UC wages in the State's base period must be considered in the computation. The base period used in the computation of the ratio of the Federal share of benefits paid to a claimant will be the base period of the paying State under whose State UC law the claim was paid, whether the claim is an intrastate, interstate, or combined-wage claim.

(1) State agencies should not use Form IB-6, Statement of Benefits Paid to Combined Wage Claimants, to request reimbursement for benefits attributable to Federal wages, since UCFE and/or UCX benefit costs shall be charged to the Federal Government by the paying State in the same manner as regular intrastate or interstate UCFE and/or UCX claims.

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(2) Examples:

(a). The computations listed below were made after benefits had been paid for a week of unemployment, in which the claimant was paid a \$100 weekly benefit. The computations are applicable to intrastate, interstate, and combined wage claims. The weekly benefit used is after the claimant's weekly benefit had been reduced, if any, by earnings or other income. The Federal share of benefits paid to a claimant will always be based on what the claimant was actually paid.

(b). Computations showing Federal shares of benefit cost.

Examples:	A	B	C	D	E
State-UC Wages	\$4,000	\$10,000	None	\$ 9,000	\$ 500
Federal Wages	6,000	None	10,000	1,000	9,500
Total Base Period Wages	10,000	10,000	10,000	10,000	10,000
Federal Ratio of Wages	60%	None	100%	10%	95%
Weekly Benefit Amount	100	100	100	100	100
Cost charged to:					
Federal fund	60	None	100	10	95
State-UC Fund	40	100	None	90	5

It should be noted that in "Example D" above that \$10 would be charged to the Federal Government, even though the claimant's State UC wages may have qualified him/her for maximum benefits. Also, in "Example E," \$5 would be charged to the State, even though the claimant's State UC wages may not have qualified him/her for benefits under the State UC law.

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7. UCFE - Assignment to State Other Than That of Last Official Duty Station.

a. **Covered Employment Subsequent to Federal Civilian Employment.** If, at the time of filing a first claim, the claimant resides in a State (including the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands) in which it is determined he/she worked in covered employment after separation from his/her most recent Federal civilian employment, that State is the State that his/her Federal civilian service and wages will be assigned, even though his last official station was in another State.

b. **Last Official Duty Station Outside the United States.** If a claimant's last official station was not within one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands, the claimant's Federal civilian service and wages will be assigned to the State, as defined by 20 CFR 609.2(M), where he/she resides (including the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands) at the time he/she files his/her first claim, provided he/she is personally present in a State, when he/she files the first claim.

8. Examples of Determination of State of Assignment.

a. **UCFE - Incorrect State of Assignment Adjustments.** The State to which Federal civilian service and wages have been incorrectly assigned is referred to as the "incorrect State." The State to which Federal civilian service and wages should have been assigned is called the "correct State." Assignment of Federal civilian service and wages to the incorrect State may result from:

- (1) misinformation from the claimant;
- (2) lack of information as to whether the claimant's employment subsequent to Federal civilian service was subject to coverage under a State UC law;
- (3) an erroneous interpretation of Federal or State law in the local office; or
- (4) an error by the Federal agency in the designation of official duty station.

When there is any question as to the accuracy of information given by the claimant, local office representatives should make

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every effort to check such information before completing the claim. Local office staff should review the claimant's work history; question the claimant to ensure inclusion of all Federal and non-Federal work and the State coverage of any non-Federal work; and request the central office to check the employer liability file when in doubt as to coverage of employment subsequent to Federal civilian employment.

The correction of errors should be accomplished by adjustments between the States involved, as described below.

b. When Federal Civilian Service and Wages Have Been Assigned Incorrectly, But No Benefit Payments Have Been Made by the Incorrect State. If no payment of benefits have been made, the adjustment may be made in substantially the same manner as when interstate claims have been sent to an incorrect State. The incorrect State should inform the correct State of the date the new claim was filed, the date of each continued (and, if applicable, additional or reopened) claim, the period covered by each continued claim, and any eligibility or disqualification information applicable to the claim.

This information should be furnished by forwarding the originals of all completed Forms ES-931 and, if applicable, Forms ES-931A and ES-934, which were received from Federal agencies in connection with the UCFE claim, and duplicate claims on interstate claim forms, identified as UCFE, for the periods claimed.

These duplicate claim forms will include a Form IB-1 for the new claim (plus, if applicable, such form(s) for any additional or reopened claim(s)) and the necessary Forms IB-2 for continued claims. The following statement should be included under "Remarks" on each claim form:

"The Federal civilian service and wage of this claimant were assigned to (State) in error. The Federal service and wages should have been assigned to (State). This claim is substituted for the claim dated (appropriate date) which was processed by this State."

The week-ending dates on the duplicate claim forms should be the same dates as those shown on the original forms, but the date of taking the claim should be the date on which the duplicate claim forms were prepared. The statement quoted above, properly signed, will be sufficient reason for predating. The correct State should establish a new UCFE claim and make a monetary determination based on the date the claim was originally filed. If the information on the completed Form(s) ES-931 and, if

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applicable, Form(s) ES-931A is not sufficient, Form ES-934, requesting additional information, will be sent to the Federal agency. The incorrect State will keep the claim record card or other appropriate documents as a record of the transfer of the claim in case questions arise later concerning the assignment of the Federal civilian service and wages.

When it is discovered that a UCFE claim was taken incorrectly as an interstate claim and that the correct State is the State in which the claim was taken, the correct State should prepare duplicate new, continued, and if applicable, additional or reopened, intrastate claim forms on the basis of entries on its claim record.

The incorrect State should forward only the reports received from Federal agencies, e.g., completed Forms ES-931 and, if applicable, Forms ES-931A and ES-934, and should invalidate the interstate claims received (Forms IB-1, IB-2, etc.). However, if a claimant has a joint UC-UCFE claim, the claimant has the same right of election as provided below.

c. Letter of Transmittal by Incorrect State of Assignment.

A copy of the letter of transmittal of the UCFE claim to the correct State should be included in the claim file in the central office of the incorrect State as a record of the action taken in adjusting the error. The letter of transmittal should contain as much of the following information as is pertinent:

- (1) Claimant's name and SSN;
- (2) Date of new claim;
- (3) Effective date of claim in incorrect State;
- (4) List of attachments (such as Forms ES-931, ES-931A, ES-934, ES-935, IB-1, and IB-2);
- (5) Any additional information as to disqualifications relating to claimant's separation from work;
- (6) State determination of weekly and maximum benefit amounts, showing State UC and UCFE portions separately by week;
- (7) List of payments made showing State UC and UCFE portions separately by week; and
- (8) List of payments in process but not yet made, with breakdown as above.

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9. UCFE Claim Cancellation in Accordance with State Law.

The assignment of Federal civilian service and wages will follow Federal law, except that, if State law provides that a claim may be canceled, the same law can be applied to Federal civilian service and wages. It must be recognized that the cancellation of a claim, does not have to result in the Federal wages being assigned to another State. For example, a State law or regulation allows for the cancellation of a claim when the claim established resulted in no payment of benefits, (i.e., the claimant returned to work before his/her first compensable week). The claimant subsequently is laid-off and due to higher base year wages elects to cancel the original claim and file for a more recent benefit year. This would be allowed because of State law or regulation.

It must be remembered that Federal law (5 U.S.C. 8504) must be followed predicated on last official duty Station or most recent covered employment subsequent to Federal service. (Also, refer to 20 CPR 609.8(b)).

However, UCFE wages and service assigned to a State may be transferred to another State where such transfer is necessary for the purpose of a combined-wage claim.

NOTE: Assignment to State of Last Official Duty Station. Federal civilian service and wages will be assigned to the State (including the District of Columbia, the Commonwealth of Puerto Rico or the Virgin Islands) in which the employee had his/her last official duty station in Federal civilian employment before filing a "first claim" as defined above, when the most recent employment before filing a first claim was Federal civilian service. This rule applies regardless of the duration of the most recent Federal civilian employment, even though transfer of official station to the State in question was so recent as to be subsequent to the base period. The "official duty station" is a determination made by the Federal agency.

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Chapter VI - Reopened, Additional and Continued Claims Process

1. Introduction to Form ES-931A, Request for Separation Information of Additional Claim-UCFE.

This form is used by the SESA to request separation information or the reason for non-pay status when a claimant has previously established a benefit year under the UCFE program and is filing an additional claim after an intervening period of employment in a Federal agency.

When the claimant has a previous nonmonetary disqualification, the SESA should also request, in connection with this form, wages and/or weeks of employment pertaining to the period of intervening employment, to determine if the claimant has met the requalification requirements previously imposed.

The Form ES-931A is subject to the same response and control requirements as the Form ES-931.

The Federal agency should indicate if the claimant was laid off and will, or may be, recalled to work, the last day of active pay status and the reason for placement in non-pay status (e.g., "Laid off lack of work. Will be recalled when needed").

The same additional claim forms and procedure will be used for taking and processing additional and reopened UCFE claims as are used for State UC claims, except claims forms and related records will be identified as UCFE. If the most recent (or, if applicable, any intervening) civilian employment prior to the filing of an additional claim (UCFE, UCX, or joint claim involving UCFE and/or UCX benefits) was with a Federal agency, Form ES-931A will be sent to the appropriate Federal agency payroll office. In such cases, Form ES-931A will be used in lieu of the separation notice normally used with State UC additional claims.

NOTE: For intervening non-Federal employment in connection with an additional UCFE or joint claim involving UCFE and/or UCX benefits, the State agencies separation notice normally used with a State UC additional claim would be used in the same manner as if the claim were a State UC-only additional claim.

a. Additional Interstate Claim. Additional and reopened interstate UCFE claims are filed following the regular interstate procedures, except the use of the Form IB-3 does not apply. When taking an additional claim, the claimstaker must ensure that all intervening employment, including Federal civilian employment and active U.S. military service is shown on the Form IB-1 and a

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Separation Fact-finding Report, Form IB-11S, is completed for any potential separation issues.

b. Reopened Interstate Claims. Any time there is a break in the claims series that was not due to intervening employment, a reopened claim is taken and the reason for the failure to report is provided on an Interstate Fact-finding Report, Form IB-11. A reopened claim is also taken when the claimant has an existing benefit year and is filing under the interstate program for the first time or from a different agent State even though there has been no break in the claims series.

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2. FORM ES-931A

ES-931A - REQUEST FOR SEPARATION INFORMATION FOR ADDITIONAL CLAIM-UCFE

(STATE AGENCY NAME)	LOCAL OFFICE:	DATE A/C CLAIM FILED:
	CONTACT:	DATE NEW CLAIM FILED:
	TELEPHONE:	DATE OF REQUEST:

SECTION I. IDENTIFICATION DATA

1. NAME (LAST, FIRST, MIDDLE, MAIDEN (IF ANY)) 2. SOCIAL SECURITY NUMBER 3. BIRTH DATE (MM/DD/YY)

4. POSITION TITLE 5. PLACE OF EMPLOYMENT (CITY, STATE OR COUNTRY) 6. SEPARATION DATE (MM/DD/YY)

7. IS FEDERAL AGENCY ADDRESS BASED ON SF-8? YES NO 8. CLAIMANT WAS:
 REGULAR FULL-TIME EMPLOYEE INTERMITTENT OR PART-TIME EMPLOYEE

SECTION II. FEDERAL AGENCY REPLY
INSTRUCTIONS: COMPLETE SECTION II AND RETURN WITHIN 4 WORKDAYS

1. FEDERAL FINDINGS TO DETERMINE FEDERAL CIVILIAN SERVICE

A. DID THIS PERSON PERFORM "FEDERAL CIVILIAN SERVICE" AS DEFINED FOR UCFE PURPOSES FOR YOUR AGENCY ON OR AFTER THE NEW CLAIM DATE SHOWN ABOVE? YES NO IF "NO", ANSWER QUESTIONS B thru F:

B. UNDER WHAT LEGAL AUTHORITY WAS INDIVIDUAL HIRED? _____

C. WHAT FUNDING SOURCE WAS USED FOR SALARY PAYMENTS? _____

*D. WERE PAYROLL DEDUCTIONS MADE FOR FEDERAL AND STATE TAXES? YES NO

*E. WAS EMPLOYEE ELIGIBLE FOR :
(1). ANNUAL AND SICK LEAVE? YES NO (2). HEALTH AND LIFE INSURANCE? YES NO
(3). CIVIL SERVICE OR FERS RETIREMENT? YES NO

*F. DID THE FEDERAL AGENCY PROVIDE DIRECTION AND CONTROL? YES NO

*NOTE: IF "NO" TO D., E(1) THRU E(3) OR F EXPLAIN ON SEPARATE ATTACHMENT

2. IDENTIFICATION OF INCORRECT DATA SHOWN IN SECTION I. (E.G., SOCIAL SECURITY NUMBER OR BIRTH DATE).

3. TERMINAL ANNUAL LEAVE, SEPARATION AND SEVERANCE PAY INFORMATION

A. DID THIS PERSON RECEIVE A LUMP-SUM PAYMENT(S) FOR TERMINAL ANNUAL LEAVE ON OR AFTER THE NEW CLAIM DATE SHOWN ABOVE? YES NO IF "YES", OR IF CURRENTLY ENTITLED TO SUCH A PAYMENT, RECORD PAYMENT INFORMATION BELOW FOR EACH PAYMENT OF ENTITLEMENT SINCE SUCH DATE.
PAYMENT DATE: ___/___/___ DAYS OF LEAVE: _____ PERIOD FROM: TIME: _____ DATE: ___/___/___ TO: TIME: _____ DATE: ___/___/___
PAYMENT AMOUNT \$ _____ HOURS OF LEAVE: _____

B. DATE OF SEPARATION: ___/___/___ C. LAST DAY OF ACTIVE PAY STATUS: ___/___/___

D. REASON FOR SEPARATION OR NONPAY STATUS: _____

E. DID THIS PERSON RECEIVE OR IS HE/SHE ENTITLED TO RECEIVE SEVERANCE PAY PROVIDED BY FEDERAL LAW OR AGENCY EMPLOYEE AGREEMENT? YES NO IF "YES", COMPLETE THE FOLLOWING INFORMATION: TOTAL ENTITLEMENT: \$ _____
WEEKLY ENTITLEMENT \$ _____ NUMBER OF WEEKS: _____ BEGINNING DATE: ___/___/___ ENDING DATE: ___/___/___

SECTION III

A. SIGNATURE OF OFFICIAL: _____ DATE: _____

B. NAME OF PARENT FEDERAL AGENCY, 3-DIGIT FEDERAL AGENCY CODE, AND ADDRESS (IF DIFFERENT FROM ADDRESS SHOWN BELOW).

PRINT NAME: _____
TITLE: _____
TELEPHONE: () _____

(STATE AGENCY TO COMPLETE.)
(FEDERAL AGENCY, 3 DIGIT FEDERAL AGENCY CODE AND ADDRESS.)

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3. Purpose and Use.

Form ES-931A is to be used by the local office in connection with each UCFE-only, joint UCFE-UCX, UC-UCFE, or UC-UCFE-UCX additional claim when it is necessary for the SESA to obtain intervening Federal civilian employment separation information. The form is designed to obtain terminal annual leave and separation information from the Federal agency concerned, and will be used in lieu of the regular separation notice normally used in connection with State UC additional claims. **The Form ES-931A should not be used in connection with a "new claim".** The claimant's reason(s) for separation (i.e. Form ES-935) will not be sent to the Federal agency concerned in connection with an additional claim.

State agencies are also urged to use Forms ES-931A in connection with State UC-only additional claims when it is necessary for SESA to obtain intervening Federal civilian employment. The use of Form ES-931A in all cases should expedite the Federal agency reply.

4. Number of Copies and Distribution.

Sufficient copies of Form ES-931A will be prepared to provide the number necessary for SESA use and one copy for retention by the Federal agency. The original and at least one copy will be submitted by the SESA's local office to the appropriate Federal agency payroll office. The Federal agency will return the form either to the SESA's central office or local office, as appropriate. Indicia return envelopes should not be included in mailings to Federal agencies because they are required to use their own envelopes and to return any other to the sender.

5. Preparation.

Most of the items are the same as (or similar to) those on Form ES-931. Section I, Identification Data, items are to be completed by the SESA. For the "Date of Request" entry, enter the date the Form ES-931A (not Form ES-931) was completed.

A signed Privacy Act release statement is no longer required from a claimant to authorize the release of information in Section II. However, if a State law requires all claimants to sign a Privacy Act release statement, then a UCFE claimant would also be required to sign a Privacy Act release statement.

Federal agencies will complete Section II of the form. A SESA should include Section II, items 3.A. and 3.E., if pertinent to UCFE operations under the State UI law. If item 3.A. is omitted,

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the following statement should be printed on the form: "A. ITEM OMITTED. Terminal annual leave information is not needed by this State on additional claims."

6. Review by The SESA.

Prior to mailing, each Form ES-931A will be reviewed for completeness and accuracy of SESA entries, including a comparison with SESA entries contained on the corresponding Form ES-931, if any, prepared for any new UCFE claim for this claimant which had been taken previously. Comparison with the SESA regular additional claim form, requesting the beginning of a new benefit series, would also be appropriate. One copy of each Form ES-931A should be placed in a tickler file for necessary follow-up action.

7. Action by Federal Agency upon Receipt of Form ES-931A.

The Federal agency should return a completed Form ES-931A within 4 workdays of its receipt.

8. Action by SESA When Form ES-931A Is Returned by Federal Agency.

When the completed Form ES-931A is returned to the SESA, the separation information will be reviewed to determine the reason for separation. A nonmonetary determination will be issued if required. State law may require adjudication of any lump-sum payment for terminal annual leave, Federal civilian severance pay, or Federal civil service retirement pay (which may be indicated by completed item 3.A. and 3.E.). If any of the items on Form ES-931A are incomplete or incorrect, and such omission or error would affect the nonmonetary determination or otherwise affect the claim (including the claimant's benefit rights), a Form ES-934 will be sent to the Federal agency to request the necessary information.

9. SESA Action When Form ES-931A Is Not Returned.

The procedure for follow-up action regarding nonreceipt of a Form ES-931 will be followed, as appropriate, for nonreceipt of a Form ES-931A.

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10. Taking Continued UCFE Claims.

The same continued claim forms and procedure will be used for taking and processing continued UCFE claims. Claim forms and related records will be identified as UCFE.

a. Continued Interstate UCFE Claims. UCFE Interstate claimants follow the regular interstate by-pass procedures for filing continued claims. The Continued Interstate Claim, Form IB-2, will be issued to and used by UCFE claimants to the same extent that it is otherwise used for interstate claims.

11. UCFE Benefits - Payments for Weeks of Less Than Full-Time Employment.

The amount of UCFE benefits to be paid for a week of less-than full-time work is determined in accordance with the provisions of the State UC law, including those provisions relating to rounding weekly benefit payments.

Any earnings disregarded under the State law are disregarded in computing UCFE benefits. If a claimant has a joint claim: UC-UCFE, UC-UCX, UCFE-UCX, or UC-UCFE-UCX, the amount of unemployment benefits to be paid him/her with respect to a week of less than full-time work is computed on the basis of the joint weekly benefit amount.

12. Conducting UCFE Eligibility Reviews.

The same claim forms and procedures will be used for conducting eligibility review interviews for claimants filing UCFE, or joint claims as are provided for claimants filing State UC-only claims. Questionnaires and other related claim documents will be identified as UCFE.

If a claimant was in non-pay status (e.g., LWOP) as a civilian employee of a Federal agency when he/she filed a new or additional UCFE claim, and is later separated from Federal civilian employment, the Federal agency should have notified the SESA. However, if the Federal agency in such cases failed to notify the SESA as to the separation from Federal civilian employment, the reason for such separation, the subsequent receipt (or nonreceipt) of a lump-sum payment for terminal annual leave, other matters which would affect the claimant's benefit entitlement, or some combination of these factors--questioning such non-pay status claimants at the periodic interview is an effective method of obtaining such information. If necessary, a Form ES-934 request may be required; in some cases, redetermination of a prior nonmonetary determination will be

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needed even if a UCFE claimant had no break in his/her claim series since such determination was made.

State agencies, when pertinent, should also question UCFE claimants as to a change in the status of retirement payments (e.g., receipt, discontinuance, or change in rate, subsequent to filing new, additional, or reopened claims).

13. Benefit Rights and Eligibility Review Interviews for UCFE Interstate Claimants.

Each interstate UCFE claimant will be provided benefit rights information by the agent and liable States in the same manner and to the same extent that information is provided to all other interstate claimants. The liable State will send to each UCFE claimant the same benefit rights information package that is sent to all other interstate claimants. See ET Handbook No. 392, Section IV, for the responsibilities of the agent and liable States.

Regular interstate procedures for requesting and conducting eligibility review interviews apply to claims filed under the UCFE program. See ET Handbook No. 392, Section V.

14. UCFE - Federal Agency Notice of Refusal of an Offer of Reemployment.

The UCFE Instructions for Federal Agencies, published by the USDOL, requires the appropriate Federal agency personnel office to inform the central office of the applicable SESA when a former civilian employee refuses an offer of reemployment with that Federal agency. The personnel office will notify the SESA in the State in which the former employee's "duty station" was located, whether or not the job offered is located in that State. Such notification will be by letter, giving the following information: employee's name and SSN; date of the job offer; the nature, location, and salary of the job offered; the reason(s) for the refusal (or, if unknown, so indicated); and the return mail address.

Information obtained from Federal agencies pertaining to refusals of offers of reemployment should be used in the same manner as similar information obtained from any other employer. If additional or clarifying information is needed, the SESA will correspond with the Federal agency personnel office which originated the notification. The SESA will, in accordance with the provisions of the particular State's UC law, determine whether the refusal of an offer of reemployment will have any

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effect on the payment of UCFE or other unemployment benefits. If the SESA receiving the notice of refusal of an offer of reemployment has no record of a current benefit-year claim in that State, the SESA may destroy the notice within 30 days after receipt, assuming the SESA's central office receives no notification that a claim has been filed in one of its local offices during such period. In any case, the SESA receiving the notice of refusal is not required to notify any other State.

The SESA's nonmonetary determination form, if any is prepared, should be used to inform the claimant and the Federal agency's payroll office (not the Federal agency personnel office originating the notice of refusal) of the determination made in each instance. The payroll office address may be determined from retained claim records (including Forms ES-931 and ES-931A), the SESA's list of Federal agency payroll offices, or by questioning the claimant. State agencies should not supply Federal agencies with "Notices of Refusal of Suitable Work" or similar forms, as Federal agencies cannot be expected to stock the forms used by all of the State agencies with which they may have dealings. Furthermore, the Office of Management and Budget has responsibility for approving all UCFE forms used to obtain information from Federal agencies.

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CHAPTER VII - UCFE NONMONETARY DETERMINATIONS

1. UCFE - Applicability of State Law Provisions.

The provisions of Federal law (5 U.S.C. 8502(b)) and the agreements between the Secretary of Labor and States require, with specified exceptions, that Federal civilian employees receive unemployment benefits in the same amount and under the same terms and subject to the same conditions as would have been applicable had the Federal civilian service and wages been included as employment and wages under the UC law of the State to which such service and wages have been assigned. It is important to ensure that UCFE benefits are administered in accordance with this requirement.

2. UCFE Determination.

UCFE claimants will be given notices of nonmonetary determinations in the same manner that State UC claimants are given such notices. Copies of such notices will be sent to the Federal agency that provided information concerning the claimant. State agency practice should be followed in sending notices to appropriate private employers, in the same manner as is done for State UC claimants.

When a Form ES-931, Form ES-931A, or Form ES-934 has not been returned by the 12th day, the SESA will promptly make a determination based upon all information available. Information supplied by a Federal employer after a determination has been made will be given the same consideration as information supplied by a State-UC covered employer under similar circumstances.

It is necessary to use standard forms, such as Forms ES-931, ES-931A, and ES-934 to obtain information from Federal agencies. Procedures for forwarding these forms to Federal agencies have been devised to assure that Federal agency personnel, who are authorized to respond for the Federal agency, will furnish State agencies with the information requested.

In making a UCFE nonmonetary determination, a Form ES-934 is not required to obtain supplementary information to support a determination, if credible information that is not inconsistent with information shown on ES-931 can be obtained from the claimant or any other reliable source. Form ES-934 should be used, when the material information supplied by the claimant is inconsistent with the information shown on the Form ES-931, or when it is necessary to obtain possible correction or modification of the information furnished by the Federal agency.

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3. Adequacy of UCFE Determination.

In preparing UCFE determinations, the findings should be adequate to support the determination made under the State UC law. Findings that are material to the UCFE claim should be brief but clearly identified in the determination. The findings need not be elaborate in form or content, but should be complete, concise, and stated in specific terms so as to support the determination. Also, the reasons for the determination should be written in clear, non-technical language that can be understood by a layman. It is only through such an understanding that the UCFE claimant and Federal employer will have an adequate basis for deciding whether to institute an appeal.

a. Federal Findings. Federal law (5 U.S.C. 8506(a)) provides that Federal agencies shall make available such information concerning the Federal service and Federal wages of a Federal employee as the Secretary may direct for the purpose of determining the individual's entitlement to UCFE.

b. Federal Agency's Correction of Its Findings. If, at any time within 1 year from the date information was furnished on Form ES-931, a Federal agency ascertains that any of its findings with respect to a claim for UCFE were in error, it will correct such findings in accordance with Federal regulations (20 CFR Part 609.22). Upon receipt of such corrected Federal findings, SESA should make any necessary redetermination of entitlement permitted under the State law in the same manner as it would if the SESA had received corrected information from a State UC covered employer.

c. Partially Unemployed UCFE Claimants. The applicable provisions of the State UC law and the rules and regulations of the SESA to which Federal civilian or military service and wages, or both, are assigned, or to which such service and wages are transferred on a combined wage claim, will apply to those UCFE and UCX claimants who are partially unemployed. Earnings disregarded in computing State UC benefits for less than full-time work under a State law are also disregarded in computing UCFE/UCX benefits on a UCFE only claim, or joint claim involving such benefits. The provisions of the State law for rounding benefit payments to even dollars will also apply to UCFE benefit computations. If information on partial earnings for Federal civilian employment is necessary to process a partial claim involving UCFE benefits, SESA should use Form ES-934.

d. Federal Civilian Service - One Employer. A nonmonetary determination is not to be made with respect to any separation from a Federal agency during a period of continuous Federal

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civilian service--such as in the case of a transfer from one payroll office to another within an agency, or a separation from one Government position to accept another immediately--because civilian employment for the Federal Government is deemed to be for a single employer.

e. Effect of Leave Without Pay. Persons in leave-without-pay status in the Federal Government should be treated in the same manner as persons in nonpay status with an employer covered under State law. Federal law does not preclude the payment of benefits during leave without pay or other periods of non-pay status prior to official separation.

f. Determination Based on Federal Findings being Appealed under Federal Personnel Procedure. Federal agencies have established regular appeal procedures within their own agencies through which civilian employees may appeal personnel actions. These include grievance procedures established by Federal agency regulations or union-management agreements. Under certain circumstances, appeals to the Office of Personnel Management are also provided. When the SESA is informed by a claimant that he/she has a pending personnel action appeal or grievance relating to a separation from Federal civilian employment, the SESA will prepare and send a Form ES-934 requesting verification of that information and requesting that the SESA be notified promptly of the Federal agency's findings as to the reason for the claimant's separation, based on the final administrative or court decision in the matter.

SESA should not postpone making a UCFE nonmonetary determination while awaiting:

- (1) verification, or
- (2) the results of the claimant's personnel action appeal or grievance.

Therefore, the SESA should take prompt action in those instances to make a UCFE nonmonetary determination either allowing or denying UCFE benefits in the same manner as the SESA proceeds in any other nonmonetary determination case, in which the claimant has filed a personnel action appeal or grievance.

Federal agencies have been instructed to notify SESAs of their findings based on the final administrative or court decision in personnel action appeals or grievance relating to UCFE claimants. If appropriate and permissible under State law, any UCFE nonmonetary determination made under the procedure outlined in

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this section should be redetermined upon receipt of such findings subject to the right of appeal as provided by State law. In determining whether or not a redetermination or appeal is permissible under State law, the same consideration should be allowed by the SESA for UCFE claims as the SESA allows for State UC claims.

g. State Agencies Which Deduct Employer-Contributed Pensions. Federal retirement plans include the Civil Service Retirement System (CSRS) and the Federal Employees' Retirement System (FERS) as well as the special Federal retirement plans such as the Civil Service Retirement System for Law Enforcement and Firefighter Personnel (CS-Spec), the Foreign Service Retirement and Disability System (FS), the Foreign Service Pension System (FSPS), the Federal Employees' Retirement System for National Guard Reserve Technicians (FERS-Reserve), and the Federal Employees' Retirement System for Air Traffic Controllers (FERS-ATC). State agencies which, in accordance with State law, deduct employer-contributed pensions from State unemployment benefits will also deduct Federal retirement payments and annuities from UCFE benefits. Even though the United States is not an "employer" under a State law, it must be treated as if it were such an employer for purposes of the UCFE program. Thus, Federal retirement payments and annuities should be treated the same as private employer's retirement and pension payments.

(1) United States as a single employer. For the purpose of deducting Federal retirement and annuity payments from UCFE benefits, all Federal civilian employment is considered to be employment for a single employer--the United States. Accordingly, if Federal retirement and annuity payments are deductible, they are deductible from UCFE and UCX benefits. Similarly, if U.S. military retirements are deductible, they are deductible from UCX and UCFE benefits. However, 3304(a)(15)(A) of the FUTA indicates that if the services performed did not affect either the eligibility for or the amount of the pension received, then the reduction is not required.

(2) Contributions by the United States. The Federal Government contribution and employee contribution varies according to the particular retirement plan.

h. Obtaining Information about Federal Civil Service and FERS Annuity Payments. If the SESA deems it necessary to determine or verify the amount of a Federal civil service annuity payment, the retiree filing an UC claim should be asked to present his/her notice of award or annuity, retirement or pension check. The notice of award sets forth the monthly retirement payment. The Federal civil service retiree's notice of award is

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Form RI 20-25, Civil Service Annuity Statement, which he/she receives after he/she has applied for such retirement annuity and the U.S. Office of Personnel Management has adjudicated the case.

SESAs should be aware that medical insurance payments may be deducted from the pension check, in this case, the annuity amount payable, which may be deductible in accordance with State law, would be more than the amount indicated on the pension check.

If a Federal retiree is not able to provide his/her copy of the annuity statement nor his/her retirement check, or if a SESA needs additional information, a letter should be directed to the:

U.S. Office of Personnel Management
Retirement and Insurance Group
Employees Service and Records Center
Boyers, Pennsylvania 16017

The correspondence should include the individual's Federal civil service annuity claim number, or, if the number is not available, the retiree's separating Federal agency, his/her date of birth, social security number, and the date of separation. The SF-50 and the completed Form ES-931 and Form ES-931A are sources of such data.

4. Introduction to The Form ES-933, Request for Information Regarding Claims Filed under The Federal Employees' Compensation Act.

Form ES-933 is used to obtain information from the Office of Workers' Compensation Programs (OWCP), Employment Standards Administration, U.S. DOL. That office is responsible for administering the Federal Employees' Compensation Act of September 7, 1916 (5 U.S.C. 8101 et. seq., as amended by P.L. 93-416, September 7, 1974) which is a workers' compensation law for Federal civilian employees.

Under some State UI laws, a claimant is disqualified for any week for which he/she is seeking or receiving workers' compensation under any State or Federal law, or his/her weekly amount of unemployment benefits otherwise payable is reduced by the amount of his/her workers' compensation award (as deductible income) for that week. In all States, receipt of Federal compensation for work injuries or classification by the OWCP as temporarily or permanently disabled (partially or totally) will raise able-and-available questions in regard to a UCFE claimant. Therefore, State agencies need such information to determine

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whether the claimant is entitled to unemployment benefits under State law.

If a Federal agency knows that a UCFE claimant has filed a request for, or is receiving, Federal Compensation for Work Injuries, it will so indicate in item 3d (Reason for Separation or Nonpay Status) of Form ES-931 or Form ES-931A. If such a notation has been made or if the UCFE claimant gives this information to the SESA, the SESA will send a Form ES-933 to the appropriate OWCP district office for completion.

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a. **Form ES-933**

(STATE AGENCY NAME)
REQUEST FOR INFORMATION REGARDING CLAIMS FILED
UNDER THE FEDERAL EMPLOYEES COMPENSATION ACT

LOCAL OFFICE:	DATE OF REQUEST:	DATE CLAIM FILED:	DATE A/C FILED:
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SECTION I. IDENTIFICATION DATA

NAME (LAST, FIRST, MIDDLE, MAIDEN (IF ANY))	FEDERAL EMPLOYING AGENCY (INCLUDE COMPLETE ADDRESS)
SOCIAL SECURITY NUMBER ____/____/____	PLACE OF EMPLOYMENT (CITY, STATE OR COUNTRY)
BIRTH DATE (MM/DD/YY)	POSITION TITLE

SECTION II. FEDERAL AGENCY REPLY

INSTRUCTIONS: FEDERAL AGENCY TO COMPLETE AT LEAST ITEM 1 OF SECTION II AND RETURN COPY TO STATE AGENCY AS SOON AS POSSIBLE; EXTENSIVE DELAY MAY CAUSE UNNECESSARY POSTPONEMENT OF UNEMPLOYMENT BENEFITS OR RESULT IN OVERPAYMENT OF SUCH BENEFITS.

1. HAS THE ABOVE EMPLOYEE FILED A CLAIM FOR FEDERAL EMPLOYEES COMPENSATION? YES NO

2. IF CLAIM FILED,
 A. DATE CLAIM FILED (MM/DD/YY) ____/____/____ B. CLAIM IS/WAS: APPROVED REJECTED PENDING

NOTE: IF CLAIM IS "PENDING," PLEASE RETURN ONE COPY OF THIS FORM TO THE STATE AGENCY (ADDRESS ON REVERSE) COMPLETED THROUGH ABOVE ITEM. SUBSEQUENTLY, WHEN A DECISION HAS BEEN MADE, PLEASE FURNISH (ON SECOND COPY OF THIS FORM) APPROPRIATE, COMPLETE INFORMATION AND SEND IT TO THE STATE AGENCY.

3. IF CLAIM WAS APPROVED

A. RATE OF COMPENSATION \$ _____	B. RATE IN ITEM 3.A. IS FOR: ____ 1 WEEK ____ 2 WEEKS ____ 1 MONTH	C. DATE COMPENSATION BEGAN (MM/DD/YY) ____/____/____	D. ENDING DATE (IF KNOWN) (MM/DD/YY) ____/____/____
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4. DESCRIBE THE DISABILITY FOR WHICH COMPENSATION WAS CLAIMED OR APPROVED IN TERMS OF NATURE, DEGREE, AND EXPECTED DURATION:

5. LIST COMPENSATION PAID FOR THE PAST PERIODS WITH RESPECT TO WEEK-ENDING DATES SHOWN BELOW. (IF NONE SHOWN, INFORMATION IS NOT NEEDED BY THE STATE AGENCY.)

WEEK ENDING	AMOUNT	WEEK ENDING	AMOUNT	WEEK ENDING	AMOUNT
_____	\$ _____	_____	\$ _____	_____	\$ _____

REMARKS:

SECTION III. CERTIFICATION

I CERTIFY THAT I HAVE EXAMINED THIS REQUEST AND THAT THE ABOVE INFORMATION WAS OBTAINED FROM OFFICIAL RECORDS OF THE FEDERAL AGENCY (USE ADDRESS ON REVERSE)

SIGNATURE OF OFFICIAL	TITLE	DATE	PHONE
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NAME OF THIS FEDERAL AGENCY (IF DIFFERENT THAN SHOWN IN SECTION I.)	ADDRESS OF THIS OFFICE (IF DIFFERENT FROM THAT SHOWN ON REVERSE)
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b. Number of Copies and Distribution. Sufficient copies of Form ES-933 should be prepared to provide the number necessary for SESA use and one copy for retention by the Federal agency. The original and at least two copies are to be submitted to the appropriate OWCP district office so that, when necessary, both "pending" and completed copies may be returned to the SESA (see note following Section II, item 3 on Form ES-933). The OWCP will return the completed form in a window envelope to the return SESA address shown on the reverse of Form ES-933. Indicia return envelopes should not be included in mailings to the OWCP district office because Federal agencies are required to use their own envelopes and return any others to the sender.

c. Preparation. The appropriate OWCP district office address (see item 8 of this Chapter) is to be entered on the reverse of the Form ES-933.

The SESA will complete Section I, Identification Data, in addition to entering local office information, date of request, date of new claim or additional claim as appropriate. If the prorated amount of the UCFE claimant's Federal workers' compensation payment for a week is required for any previous compensable weeks of unemployment, enter in Section II, item 5., the appropriate week-ending date.

d. Privacy Act Release. A Privacy Act release statement must be signed by the claimant and attached to the Form ES-933 before forwarding to the appropriate OWCP district office. This signed release is required because the information necessary in the completion of the Form ES-933 involves releasing a claimant's health and medical information.

e. Completion by OWCP. The appropriate OWCP district office will complete Section II, Federal Agency Reply, and Section III, Certification, and return the completed form to the SESA. Explanations of OWCP entries are given below only for those items in Section II which are not self-explanatory.

Item 2. If action on a Federal employee's claim for compensation for work injuries is pending, the OWCP will first notify the SESA by sending it a partially completed Form ES-933 marked "PENDING." If a supplementary report indicating the decision on the employee's compensation claim is not received in 90 days, a duplicate Form ES-933 request, annotated: "FOLLOW-UP REQUEST ON PENDING CASE" (underscored in red), should be sent.

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Item 4. The description of the claimant's disability will assist the SESA in determining whether the disability is temporary (partial or total) or permanent (partial or total).

Item 5. If a SESA inserts week-ending dates in this item, the OWCP will enter the actual amount of payments for those weeks.

Item 6. Under "Remarks," the OWCP will furnish general information about a claim: changes in compensation rates due to hospitalization, special treatment, etc.

f. Additional Information Required by SESA. If the information furnished by the OWCP is inadequate for determining the claimant's entitlement under the State UC law, the SESA may request further information by correspondence. The correspondence must include the claimant's name and social security number. That office will furnish the additional information or, if not permitted to do so, by the Federal Employees' Compensation Act or agreements with other Federal agencies, will indicate that further information is confidential and may not be given.

g. District Office Addresses. Listed are the OWCP district offices for the 50 States, Puerto Rico, the Virgin Islands, and the District of Columbia. The State where the Federal civilian employee's Official Duty Station is located will determine where Form ES-933 is sent.

Addresses of the Office of Worker's Compensation

<u>District</u>	<u>State</u>	<u>Address</u>
No.1	Connecticut, Maine, Vermont, Massachusetts, Rhode Island or New Hampshire	One Congress Street 11th Floor Boston, MA 02114
No.2	New Jersey, New York, Puerto Rico, or Virgin Islands	201 Varick Street Room 750 New York, NY 10014

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No.3	Delaware, Pennsylvania, or West Virginia	Gateway Building Room 15100 3535 Market Street Philadelphia, PA 19104
No.6	Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, or Tennessee	214 North Hogan Street Suite 1006 Jacksonville, FL 32202
No.9	Indiana, Michigan, or Ohio	1240 East Ninth Street Room 851 Cleveland, Ohio 44199
No.10	Illinois, Minnesota, or Wisconsin	230 South Dearborn Street 8th Floor Chicago, IL 60604
No.11	Iowa, Kansas, Missouri, or Nebraska	1910 Federal Office Building 911 Walnut Street Kansas City, MO 64106
No.12	Colorado, Montana, North Dakota, South Dakota, Utah, or Wyoming	1961 Stout Street Drawer 3558 Denver, CO 80294
No.13	Arizona, California, Nevada, or Hawaii	71 Stevenson Street 2nd Floor San Francisco, CA 94105
No.14	Alaska, Idaho, Oregon, or Washington	1111 Third Avenue Suite 615 Seattle, WA 98101-3212

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- | | | |
|-------|---|---|
| No.16 | Oklahoma, New Mexico, Texas, Arkansas, or Louisiana | 525 Griffin Street
Room 100
Dallas, TX 75202 |
| No.25 | District of Columbia, Maryland, or Virginia | 1100 L Street, N.W.
Room 9101
Washington, DC 20211 |
| No.50 | Branch of Special Claims
Washington, DC | 200 Constitution Avenue, N.W.
Washington, D.C. 20210

Mail: P.O. Box 37117
Washington, D.C. 20013 |

District No. 50 handles the claims of individuals injured overseas; individuals claiming exposure to AIDS, radiation, or Agent Orange; DOL employees; Peace Corps and Vista volunteers; Members of Congress and their staffs; White House officials and employees; Reserve Officer Training Corps (ROTC) Cadets; members of the Coast Guard Auxiliary and temporary members of the Coast Guard Reserve; individuals whose cases involve security considerations; and certain non-Federal claims.

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CHAPTER VIII - APPEALS

1. UCFE - Applicability of State Appeal Procedure.

Determinations involving entitlement to, and eligibility for, UC for Federal civilian employees may be appealed in the same manner and under the same procedures as determinations under the applicable State UC law. UCFE decisions will follow the format and criteria used for regular State UC decisions. However, UCFE Federal findings, as shown on Forms ES-931 and/or ES-934, must be identified and included, preferably by direct quotation, in the appeal decision's statement of facts. The same time periods for filing appeals, notices of hearing, etc., used in regular State UC appeals will be used for UCFE appeals. Appeals on interstate UCFE claims are to be processed like regular interstate UC appeals.

2. Forms Used for UCFE Appeals.

Regular benefit appeal forms used by SESA may be used if such forms are modified to show that the decisions of the State administrative appellate authority is in connection with a former Federal civilian employee's claim for benefits under Federal law (5 U.S.C. Chapter 85). The symbols "UCFE," or "UCFE-UCX" as appropriate, will be placed on each decision to distinguish it from other benefit decisions.

3. Action by SESA on UCFE Appeals.

A UCFE claimant filing a request for an appeal shall be given the same consideration under State law as a State UC claimant. In making such a decision, SESA shall apply its State UC law to the facts supplied by the Federal agency on Forms ES-931, ES-931A, and ES-934, as well as credible information obtained from the claimant or from any other reliable sources of information.

The decision rendered shall be based upon the evidence and best information available that the appellate authority considers credible. Federal findings as shown on Forms ES-931, ES-931A, and ES-934 are not negated from consideration by the failure of a Federal agency representative or claimant to be present at the hearing. The claimant shall receive a copy of the appeal decision with notice of his/her further appeal rights under the State law. UCFE appeals decisions should clearly reflect all

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appellate findings of fact which are relevant in support of the decision made under the State UC law. Also, provisions of the State law on which the decision is based should be clearly cited.

4. UCFE Appeals While Personnel Action Appeal is Pending.

A UCFE claimant may appeal a SESA determination even though he/she is concurrently appealing the personnel action on which the Federal agency's finding was based. The State administrative appellate authority should not postpone holding an appeal hearing and rendering a decision either to allow or to deny UCFE benefits pending receipt of a Federal agency or Office of Personnel Management decision. Any appeal decision of the SESA in a UCFE case may be reopened, remanded for a redetermination (as applicable under State law) when the SESA is notified of the Federal agency's findings based on the final decision of the highest administrative level of the U.S. Office of Personnel Management or the former Federal employing agency, or the final decision of a court to which the personnel action appeal or grievance was taken. The SESA's new UCFE decision or redetermination is subject to appeal as in any other State UC case. In determining whether or not a redetermination or further appeal is permissible under State law, the same consideration must be afforded to the UCFE claimant by the SESA, as that given a State UC claimant who had a grievance resolved by or finalized with a private employer or court decision.

5. Action by SESA on Federal Agency UCFE Appeals.

Federal agencies are entitled to receive notices of determination and have the same right of appeal as State-covered employers respecting benefit determinations under State UI laws.

6. Forwarding Appeal Decisions.

SESAs should forward one copy of UCFE appeal decisions to the appropriate USDOL Regional Office, as provided by 20 CFR 609.1 (d) (1).

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Chapter IX - OVERPAYMENT

1. Prevention and Detection of UCFE Overpayment.

The SESA is responsible for taking necessary measures to ensure that UCFE benefits are paid only to those individuals who meet all necessary requirements. The SESA should employ the same methods used for State UC claims to prevent and detect possible violations of State and Federal law, specifically 18 U.S.C. 1919.

a. Postaudits. If a SESA's procedure provides for postaudits of State UC claims, the SESA will include UCFE claims in such postaudits to the same extent as it does for State UC claims.

b. Special Controls. The LCCC is responsible for detecting duplicate filing of UCFE claims "first claims," especially those filed in more than one State.

State agencies will establish and maintain controls to detect duplicate filing of UCFE claims on an intrastate basis (and, insofar as possible, interstate basis) and to prevent the concurrent filing of State UC and UCFE/UCX claims. Duplicate filing may often be prevented by good interviewing techniques.

2. Liability to Repay.

As provided in 5 U.S.C. 8507, if it is determined that a person received an overpayment of UCFE benefits as a result of fraud, he/she will be required to repay the amount of such overpayment in accordance with State law. Such determinations are subject to the same appeal and review that the State law provides for other types of determinations.

3. Recoupment.

An overpayment of UCFE benefits resulting from fraud may be deducted from any future UCFE benefits payable during the 2-year period following the date on which the fraud was determined. No deductions may be made after the 2-year period ends. Claimants are liable to repay any overpayment not recovered by offset.

UCFE benefits may be used to offset overpayments (fraudulent or nonfraudulent) in both Federal and State programs. The Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA), Public Law 99-272, Section 12401, amended Sections 303(a)(5) of the Social Security Act (SSA), and Sections 3304(a)(4), and 3306(f), FUTA, and added subsection (g) to Section 303, SSA. These amendments authorize States to enact legislation permitting

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the use of benefits payable under any State program to offset overpayments outstanding in any other State. Additionally, it allows reciprocal withholding of overpaid unemployment benefits regardless of the funding source, Federal or State. To offset cross-program between Federal and State funded benefit programs, the State must sign a reciprocal agreement with the Secretary of Labor. To offset cross-program on an interstate basis, both the requesting and recovering State must have signed a reciprocal agreement with the Secretary. The procedures for handling interstate overpayment recoveries, State or Federal, have been developed and can be found in Section IX of ET Handbook No. 392, Interstate Benefit Payment Control Procedures.

a. Waiver of Recovery. Any provision of State law authorizing waiver of recovery of nonfraud overpayment of UC, shall be applicable to UCFE. No waiver of recovery is permitted if the overpayment was due to fraud.

4. Administrative Disqualifications.

An individual who obtains UCFE benefits as a result of fraud is subject to the administrative disqualification provided in the State law. The SESA should take necessary action to determine whether or not a person will be disqualified. If State law or regulation requires due notice and a hearing before an administrative disqualification is imposed, this practice will be used for UCFE claimants. Facts which support a determination to impose an administrative disqualification may not be enough to support a criminal prosecution. Therefore, a failure to convict criminally would not bar an administrative disqualification on the same set of facts.

5. Criminal Offense.

Under the Federal Criminal Code (18 U.S.C. 1919), an individual who makes a false statement of a material fact, knowing it to be false, or who knowingly fails to disclose a material fact, to obtain or increase for himself/herself, or for any other person, a UCFE payment, may be fined not more than \$1,000 or imprisoned for not more than one year, or both. The statement or representation must have been false. The claimant must have known it was false. It must have been material to his/her claim, and it must have been made for the purpose of obtaining or increasing for himself/herself or someone else a payment under the Federal UCFE law (5 U.S.C. 8507). If the case is failure to disclose, the failure must have been of a material fact and the person who failed to disclose such fact knew that the failure would obtain or increase a benefit for himself/herself or someone else.

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a. Preparation of Case. When a SESA has enough facts for a prima facie case under the Federal Criminal Code (18 U.S.C. 1919), or 5 U.S.C. 8507, it will develop the factual information, such as lists of witnesses and an abstract of the evidence each will present, copies of applications, certificates, statements or affidavits in which false allegations of material facts are made, copies of payrolls, samples of signatures, and any other evidence. The SESA is not to confront a claimant with the evidence collected or try to obtain a confession. The amount of overpayment, if any, and copies of checks, warrants, or cash receipts received by the person, will be shown.

b. Decision on Appropriate Action. Consistent with the ETA/OIG Memorandum of Understanding on this subject, and based on the material compiled, the SESA will decide whether criminal action should be undertaken in Federal courts or in State courts. If prosecution in the Federal courts is appropriate, the matter will be referred to the appropriate office of the Regional Inspector General for Investigations (RIGI/CSSI), DOL (DOL).

If the case does not meet the prescribed criteria and prosecution in the Federal courts is not appropriate, or if the U.S. Attorney declines to prosecute the case, appropriate prosecutive action should be sought by the SESA in State/local courts in accordance with State law and practice.

6. Arrangements with the Department of Justice (DOJ) and the Office of the Inspector General (DOL) (OIG).

a. Referral to OIG. The DOJ and the Federal Bureau of Investigation (FBI) have agreed with the DOL that the authority to investigate criminal fraud matters arising from and pertaining to UC programs shall be vested in the OIG. See Memorandum of Understanding (MOU), FBI and OIG (October 14, 1983); DOJ letter (February 15, 1984) from Stephen S. Trott (Assistant Attorney General-Criminal Division) to Francis X. Lilly (Deputy Solicitor of Labor).

Fraudulent claims for UCFE will be referred to the appropriate RIGI or the Chief of the Security and Special Investigations Branch (CSSI) if they meet any one or more of the following three criteria:

- (1) If the established fraudulent overpayment exceeds \$1,000; or
- (2) If the established fraudulent overpayment (regardless of amount) involves the use of a false governmental identification document, such as an SF-50

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or Form ES-931, to claim entitlement for UCFE benefits (violation of 18 U.S.C. 1028); or

(3) If there are other factors concerning the fraudulent overpayment which, in the judgement of the SESA or ETA officials, indicate a need for OIG investigation (i.e., offenses of an extremely flagrant nature or offenses involving claimants who leave the State).

NOTE: To meet the criteria for referral to the OIG in Section 6.a.(1), above, the payments for the weeks in which the fraud actually occurred must exceed \$1,000. For example, if a claimant knowingly failed to report wages for 3 weeks, which resulted in his/her fraudulently obtaining \$300 in UCFE benefits, such case would not be referred to the OIG, even if the total overpayment established by the SESA amounted to \$1,800 because of the imposition of an administrative penalty which increases the amount of actual overpayment by \$1,500. Generally, such penalty payments arise from provisions of State law which provide for retroactive determinations based on the dates(s) that fraud was committed rather than the date the overpayment was discovered.

When a SESA refers a case to the OIG, it will include in the transmittal correspondence the reason for the referral as taken from the above criteria. For example, if a case involves the use of false government identification documents (Section 6.a.(2)), the correspondence should indicate the specific document used (i.e., SF-50, ES-931, etc.). If the case involves "other factors" (Section 6.a.(3)), show the specific reason in the transmittal (i.e., the offense is considered as exceptionally flagrant and the penalties of State law are not deemed sufficient or the claimant is no longer residing in the State).

Referral of these claimant fraud cases will be made by a narrative summary from the SESA to the appropriate RIGI/CSSI on a memorandum, State report form, or DOL Incident Report, Form DL 1-156 (a copy of which will also be sent to the appropriate ETA Regional Administrator). Regardless of the type of form used, the narrative summary must set forth a general description of the claimant (i.e., name, SSN, address, race, sex, date of birth, physical description, etc.), the type of referral (from the criteria in Section 6.a. above), the type of UC program involved as well as the monetary loss (i.e., UCFE -\$1,500), and any relevant facts already developed by the SESA.

The following types of information should also be attached to the

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narrative summary that is sent to the RIGI/CSSI: copies of application(s)/claim(s) for benefits; copies of the claimant's statement/affidavit; copies of the employer reports/payroll information, copies of checks or warrants, SESA determination notices and appeal decisions, if applicable; samples of signatures and any other evidence the SESA has in its possession that has a bearing on the facts in the case.

Within 5 days, the RIGI/CSSI will acknowledge, to the SESA (with a copy to the ETA Regional Administrator), in writing, its acceptance of the case for further investigation prior to referral to the appropriate U.S. Attorney for prosecutive action. Those cases referred to but not accepted by the OIG will be returned to the SESA. The RIGI/CSSI will also notify the ETA Regional Administrator of such cases where no action will be taken. Upon return of these cases, the SESA should consider appropriate prosecutive action in State/local courts.

In those cases where the referral has been accepted, the OIG will conduct such investigations as are necessary in preparing the case for prosecution. The OIG will keep the SESA advised on a confidential basis on the status of the case. On fraud cases referred to the OIG for investigation, the SESA will coordinate all claimant contacts with the RIGI/CSSI to ensure that these actions will not interfere with the pending criminal investigation and prosecution. After a case is closed, the RIGI/CSSI will notify the SESA on the outcome of the case with a copy to the ETA Regional Administrator. If the referral criteria contained in Section 6.a. above should be changed within a jurisdiction (State/region) due to the workload, the known attitude of prosecutors, or the adequacy of SESA obtained prosecutions, the Assistant Inspector General for Investigations and the Administrator, Office of Program Fiscal Integrity, ETA, will authorize revisions to the referral criteria. Generally, the OIG policy will be to avoid unnecessary referral cases which will not be investigated. The appropriate ETA Regional Administrator will be notified, in writing, of referral criteria revisions by the Director, Unemployment Insurance Service, ETA, through the Office of Regional Management.

7. Records of Cases Referred to the OIG.

A record of each case referred to the OIG will be maintained by the SESA, showing the dates and the documents referred. This record may be abbreviated if duplicate copies of all documents referred are retained by SESA. Final disposition, such as fine or imprisonment, dismissal, or nonprosecution, is to be recorded. The amount of UCFE, or UCFE-UCX overpayment established to the claimant's account and subsequent recoveries, as well as

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collection efforts (if appropriate), are to be posted to the claimant's record by the SESA.

8. Prosecution in State Courts.

a. Cases That Do Not Meet the Criteria for Referral to the OIG. Any case that does not meet such criteria will be referred for prosecution in a State court if it meets the criteria for prosecution of cases of fraudulent claiming of State UC benefits. Upon request of a SESA, the RIGI/CSSI will assist SESA investigative units in other claimant fraud inquiries on a case-by-case basis. The nature of the assistance will depend on local circumstances and will be decided by RIGI/CSSI and the SESA with the knowledge of the ETA Regional Administrator.

b. Prosecution Declined by U.S. Attorney. If the U.S. Attorney declines to prosecute a case under the referral procedure outlined above, the SESA should refer the case for prosecution in a State court if it meets the criteria for prosecution of cases of fraudulent claiming of State UC benefits.

9. Establishment of Overpayment.

Whether prosecution is by Federal or State authorities, the SESA will establish an overpayment according to State law.

10. UCFE Overpayment Not Involving Fraud.

When an overpayment of UCFE benefits involves no fraud, a SESA will determine, under its State law, whether:

- a. Recovery of the overpayment will be waived;
- b. The claimant will receive any future UCFE benefits if the overpayment has not been repaid; or
- c. The claimant will be permitted to offset any future UCFE benefits payable under Federal law.

This matter is covered in the Federal UCFE regulations (20 CFR 609.11(c)). The above procedure allows a SESA, if permitted under its State law, to pay a UCFE claimant part of his/her weekly benefit amount, offsetting the remainder against a determined amount in order to reduce the balance of the outstanding overpayment. For example, if the claimant's weekly benefit amount equals \$100 and his/her nonfraudulent overpayment is \$180, he/she could be paid \$50 for each week of total unemployment, the \$50 reducing the overpayment accordingly (i.e., from \$180 to \$130).

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after the first week), if this procedure is authorized under the State law.

11. Collection of UCFE Overpayment - Fraudulent and Nonfraudulent.

a. SESA must observe the following minimum requirements in collecting an overpayment of UCFE benefits:

(1) In an overpayment case involving fraud, if an agreement for repayment has been obtained by the U.S. Attorney or a State attorney, or in a case of court ordered repayment, and the debtor fails to repay as agreed or ordered, the SESA will notify the U.S. Attorney, the State attorney, or the court, as appropriate.

(2) Except as provided in this Chapter, the SESA should seek to recover all overpayment through a comprehensive, vigorous, and uniformly applied collection program that is at least equal to its collection under the State law. The program for collecting a UCFE overpayment must include all debt collection procedures reasonably available to the SESA, such as (but not limited to):

(a) Timely and aggressive demands for repayment, embodying adequate description of the overpayment;

(b) Efforts to locate the debtor by communicating with past employers; by examining wage records, when available; by personal visit to debtor's last known address; and by inquiry among his/her former associates and relatives;

(c) Collections by offset when possible in accordance with this Chapter;

(i) By civil suit, as authorized by State law; and

(ii) When the debtor is adjudicated bankrupt, the filing of a proof of claim with the appropriate administrative authority or court.

(d) The SESA will establish and observe realistic points of diminishing returns beyond which further collection efforts by the SESA are not justified or beyond which collection efforts may be limited. In establishing points of diminishing returns, the SESA will consider estimated or actual recovery rates in relation to:

UCFE INSTRUCTIONS FOR STATE AGENCIES

- (i) Costs of different types of action;
- (ii) Size of the debt; and
- (iii) the possibility of collection through the agency's efforts and by other means.

12. Write-off of UCFE Overpayment--Fraudulent and Nonfraudulent.

After following required collection procedures and having reached a point of diminishing returns, a SESA may determine that a debt is uncollectible and remove the amount of the uncollectible overpayment from its accounts:

- a. When a debtor has no resources and is arrested for a felony or is permanently incapacitated for work, physically or mentally;
- b. When a debtor dies and there is positive evidence showing the debtor left no estate;
- c. When a debtor is adjudged bankrupt or was discharged in bankruptcy, and the amount due as listed in the schedule of debts or proof of claim was duly filed in the bankruptcy proceedings, regardless of the amount;
- d. When an overpayment amounts to \$25 or less and was on the SESA's records for at least 1 year; or
- e. When an overpayment amounts to more than \$25 and has been on SESA's records for at least 3 years.

Removal of an overpayment from the accounting records does not cancel the debt, which remains collectible until paid or otherwise discharged. Although no further active collection efforts by the SESA are required, the SESA should keep an administrative record (including a "stop" order or "flag") during the next 3-year period to provide for possible collection through offset (limited to the 2 year period following the date that the fraud was determined) or by other methods until appropriate disposition of the records according to Sections 9190-9194, Part V of the ES Manual.

13. Recovered UCFE Funds.

Any amount recovered by a SESA in a UCFE overpayment will be deposited in the account from which payment was made, and reported on the UCFE transactions report.

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14. Interest on UCFE Overpayment.

The collection of interest on UCFE overpayment balances is not only permissible, but required by statute if the State imposes an interest charge on overpayment balances under the regular State program. In addition, the interest collected cannot be retained by the SESA but must be paid into the fund from which the benefits were paid together with the principal recovered.

However, benefit offset can only be used to collect the overpayment principal. It cannot be used to reduce to interest liability of the claimant.

Federal law (5 U.S.C. 8502(b)) requires equal treatment of claimants under the UCFE program. Under the equal treatment rule, if a SESA imposes on claimants an interest charge on overpayment balances under the regular State unemployment compensation program, the charge must be imposed on overpayment balances due under the UCFE program (20 CFR 609.11(f)). Federal law requires no minimum or "Standard" interest rate. Therefore, whatever interest rate applies to regular State unemployment insurance, also applies to UCFE program funds.

Under the applicable Federal statutes and regulations, a State is not authorized to retain the interest collected on a UCFE program overpayment. In the UCFE program, an overpayment that results from a knowing misrepresentation or failure to disclose material facts, must be repaid. 5 U.S.C. Section 8507(b)(1) provides that "(a)n amount repaid" under subsection (a) shall be "deposited in the fund from which payment was made, if the repayment was to a SESA." (Emphasis added). See, also 20 CFR 609.11(j)(1). The term "an amount repaid" includes both the overpayment principal recovered and any interest charge assessed. Therefore, both the principal and the interest charge must be deposited in the account from which the payment was made.

Retention of interest by the State as it applies to UCFE overpayment is also invalid because it would amount to an unauthorized appropriation of Federal property. Although authority for assessment of an interest charge is vested in State law, the imposition of the charge does not entitle the State to assume ownership of the interest. Interest on interpleaded or deposited private property funds generally follows the principal and is a protected property right that may not be appropriated by the State without just compensation. Therefore, if the State retains interest on Federal funds, it essentially appropriates Federal property.

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15. Records of UCFE Overpayment--Fraudulent and Nonfraudulent.

Accounting records, specifically identified by program will be kept for UCFE overpayments. Among other things, records of UCFE overpayments will contain the reason for overpayment and will show, separately, overpayments resulting from fraud. Records of UCFE overpayments will show, in each case, the amount of the overpayment, the action taken by the SESA to collect the overpayment, the results of the SESA's collection activities, the dates and amounts of repayment or amount recovered by offset, and the current overpayment balance, if any.

The basis for the SESA's determination that a debt is uncollectible will be included in the overpayment files if the amount of the overpayment has been removed from the accounts. The records will be transferred to SESA accountability for disposal, under provisions of State law, 3 years after the date of write-off.

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Chapter X - PROGRAM REVIEW, AUDIT And REPORTING

1. UCFE Programs of Verification, Visiting, and Internal Audit.

a. Verification of Information on Completed Forms ES-931.

Effective administration of the UCFE program requires assurance that Federal agencies are completing Forms ES-931 correctly, and that they are properly reporting Federal civilian service and wages. State agencies are in the best position to carry out the major portion of a program by verifying the accuracy of Federal agency reporting of wage and separation information. One required method of verification is the submittal of verification requests to Federal agency payroll offices (Form ES-936).

b. Visits to Federal Agency Installations.

SESA representatives should also visit Federal agency payroll and personnel offices, as needed, in order to ascertain whether prescribed procedures are being complied with and whether Federal agency staff understand their responsibilities with respect to the UCFE program (Form ES-939).

c. Internal Review of Federal Agency UCFE Operations.

In addition to the verification and visiting programs, Federal agencies have been requested to include a review of UCFE activities in their internal inspection and audit programs. The U.S. General Accounting Office reviews the accuracy of wages reported to State agencies on Forms ES-931 as part of its regular site audits of Federal agency payroll accounts, and inspectors of the Office of Personnel Management periodically review, and report findings concerning, individual Federal agency personnel practices and procedures to ensure compliance with UCFE requirements.

2. Introduction to Form ES-936, Request for Verification of UCFE Wage and Separation Information Furnished on Form ES-931.

a. Purpose and Use. Form ES-936 is to be used to verify the accuracy of data recorded on Form ES-931 (or equivalent, e.g. IRS computer printout) by a Federal agency payroll office and to assist in determining whether the Federal agency payroll office is adequately carrying out its responsibilities with respect to the UCFE program. If SESA review of a completed Form ES-936 reveals inadequacies, a visit to the Federal installation by a SESA representative should be scheduled.

The verification program should be controlled by SESA's central office through use of its Form ES-931 file. A minimum of one Form ES-936 should be sent by a SESA to each Federal agency payroll office:

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1) which is located in the State, outside the United States, or multistate payroll offices; and

(2) which has completed and returned one or more Forms ES-931 (or equivalent) during the latest 6-month period ending June 30 or December 31. The SESA may send more than one Form ES-936 request to an individual payroll office if there is a need for additional verification; however, no more than 10 such requests should be sent to a single payroll office in any 6-month period. For centralized (or multistate) payroll offices, each SESA's maximum should be limited to 3 such requests in any 6-month period. A SESA may also send Forms ES-936 to selected payroll offices located in other States.

The responsibility for verification, except for centralized payroll offices, is thus placed on the SESA of the State in which the payroll office is located.

The verification should be completed by the end of the first month following the latest 6-month period (e.g., for completed Forms ES-931 received during the January-June period, all Form ES-936 requests should have been sent in sufficient time to be returned to the SESA no later than July 31). A Form ES-936 should not be sent until at least 15 days after SESA received the corresponding completed Form ES-931 to avoid any possible confusion in the Federal agency caused by an earlier verification request. Item 1 of Form ES-936 may be modified by a SESA which requires information as to weeks of employment.

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c. Reverse of Form ES-936

- | | | YES | NO |
|----|--|------------|-----------|
| 5. | Were the reasons for separation reported on Form ES-931, at least as complete as the information shown in both the "Nature of Action" and "Remarks" sections of SF-50, or equivalent document, used in separation this employee? | — | — |
| | This is the minimum information required on Form ES-931. If answer is "NO", indicate the source of information you used in completing Form ES-931: | | |
| 6. | Enter date certification was made on Form ES-931 (Date) _____ | | |
| 7. | Do you have the instructions issued by your agency's headquarters on the UCFE program?
If "NO", you should request instructions through the same channels through which you obtain other payroll or personnel instructions from your agency. | — | — |
| 8. | In reviewing the payroll record(s) for this employee, did you discover any error in the information previously furnished on Form ES-931? If "YES", give the correct information under "Remarks by Federal Agency" below or on an attached sheet. Any questions you have concerning the operation of the UCFE program may be indicated under remarks. | — | — |

Certification: The above information has been furnished by someone other than the person who completed the Form ES-931 cited above and based on my review is hereby certified to be a correct and complete report.

SIGNATURE OF OFFICIAL	TITLE	DATE
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NAME OF PARENT FEDERAL AGENCY	ADDRESS
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REMARKS BY FEDERAL AGENCY

If your office is located in one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands, we shall be pleased to arrange for a visit to discuss your responsibilities in the UCFE program. If you desire a visit, please indicate. YES NO

RETURN TO:

UCFE INSTRUCTIONS FOR STATE AGENCIES

d. Number of Copies and Distribution. Sufficient copies of Form ES-936 will be prepared to provide the number necessary for SESA use and one copy for retention by the Federal agency; the original and at least one copy will be submitted to the appropriate Federal agency payroll office. The State office should retain at least one copy for follow-up purposes. The Federal agency will return the completed form in a window envelope to the address contained in the return-address space. **Indicia return envelopes should not be included in mailings to Federal agencies because they are required to use their own envelopes.** In addition, the SESAs, at their option, may use a transmittal letter when forwarding Form ES-936.

e. Preparation. All of the items in Section I, Identification, to be completed by SESA, are the same as those on Form ES-931. Except for the dates of the base period shown on the cited Form ES-931, to be entered by SESA in item 1b of Section II of Form ES-936, the Federal agency will complete Section II, continued on the reverse of the form.

f. UCFE - SESA Action When Form ES-936 Is Not Returned. A control file or record of pending Forms ES-936 will be maintained by the SESA. When a reply to the Form ES-936 request is not received within 20 days (30 days for verifications sent to locations outside the U.S.) after the verification request was sent, a follow-up Form ES-936, identical to the original form but marked "SECOND REQUEST" (underscored in red), should be sent.

If a reply to Form ES-936 has not been received after all reasonable efforts to obtain it have been exhausted, three partially completed copies of the form should be referred to the ETA Regional office for appropriate follow-up action.

g. UCFE - SESA Action When Form ES-936 Is Returned. Upon receipt of a completed Form ES-936, the data on Form ES-931 (or equivalent) and Form ES-936 should be compared. A review of completed Forms ES-936 will identify those Federal agency payroll offices which have failed to follow prescribed procedures. SESAs should not take exception to minor reporting deviations, such as a variation of a few dollars in the total amount of wages reported, as shown by the Federal agency on the two forms, where it would have no effect on the claimant's benefits rights.

If the total difference between the dollar amount on the Form ES-931 and the Form ES-936 is \$10.00 or less, resolution is not required.

Personal visits by a member of SESA staff should be made as a means of following up on those Federal agency payroll offices

UCFE INSTRUCTIONS FOR STATE AGENCIES

which are located within the State, if data on completed Forms ES-936 indicate a serious misunderstanding of the reporting requirements.

Examples of cases requiring a visit to a Federal agency are:

(1) the total amount of wages shown in item 1.b. of Form ES-936 differs significantly from the total reported on Form ES-931 (or equivalent) so that the error cannot be explained by a few days' difference in the period used, or the amount would affect the claimant's benefit rights had it been reported on Form ES-931 (or equivalent);

(2) the Federal agency indicates that it does not have instructions on the program;

(3) reasons for separation are not as adequate as the reasons shown on SF-50 (or equivalent separation document); or

(4) Federal agency requests a visit. If the payroll office is located outside the State but within one of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, or the Virgin Islands, procedures outlined in the following subchapter should be followed.

If the payroll office is located outside the United States and the data on the completed Form ES-936 indicate an area of misunderstanding, a full explanation should be sent by letter to the payroll office. If necessary, reconciliation or correction of Form ES-931 (or equivalent) should be obtained. If problems with payroll offices located outside the United States cannot be corrected, the facts should be submitted to the ETA Regional Office. That office will transmit the information to the ETA National Office so that correction can be obtained through the Federal agency's UCFE liaison officer. If a returned Form ES-936 indicates that a Form ES-931 (or equivalent) has not been completed by the payroll office for an employee, the SESA should investigate in person (if payroll office is in the State) to determine whether there has been an error in completion of the form or whether fraud has been committed with respect to the completion of Form ES-931 (or equivalent). A completed record of the results of such an investigation should be kept for review by ETA.

UCFE INSTRUCTIONS FOR STATE AGENCIES

3. **Sample of Form Letter Which May Be Sent with Verification Form ES-936.**

(DATE)

STATE (Name and address)

FEDERAL AGENCY (Name and address)

The Department of Labor has requested that we periodically mail the attached verification form, ES-936, to all Federal agencies. Please complete Section II of the form. Item 1.b. should be completed after checking your wage and personnel records for the individual named on the form so that we can verify the information you submitted at an earlier date on a Form ES-931, Request for Wage and Separation Information. If the total difference between the dollar amounts on the Form ES-931 and the Form ES-936 is \$10.00 or less, resolution will not be required.

Please complete and return the Form ES-936 within the required four workdays and return to the address as noted on the reverse of the form. Should you have any question, please contact me on ().

Sincerely,

(SESA OFFICIAL)

UCFE INSTRUCTIONS FOR STATE AGENCIES

4. Introduction to Form ES-939, UCFE Program - Federal Agency Visit Report.

A SESA may request the ETA Regional Office to arrange for a visit, in accordance with a. or b. below, to a Federal installation (including centralized or multistate Federal agency payroll offices) located elsewhere within the region, or in a different region, when the situation warrants such action.

The reason shown for the request should contain sufficient detail as to specific cases in which inadequacies occurred so that the SESA (or the ETA Regional Office) representative making the visit may review the particular problem cases with the appropriate official of the Federal installation visited.

a. **Federal Installation Located within the Region.** The ETA Regional Office will arrange for the SESA in the State in which the Federal installation is located to make the visit, or, if more practicable, will designate a Regional Office staff member to make the visit.

b. **Federal Installation Located in a Different Region.** The ETA Regional Office in the requesting State's region will transmit the request to the ETA Regional Office in the region in which the visit is to be made. That office will arrange for the SESA in the State in which the Federal installation is located to make the visit or, if more practicable, will designate a Regional Office staff member to make the visit.

c. **Preparation and Distribution of Forms ES-939.** The SESA (or the ETA Regional Office) making the visit will complete sufficient copies of Form ES-939 to provide one copy for the SESA initiating the request. The regular number of copies of Form ES-939 will be sent, by the visiting SESA, to the ETA Regional Office in that State's region at the end of the quarter, in accordance with the instructions in subchapter 4 of this Chapter. The extra copy will be sent to the requesting SESA via the ETA Regional Office from which the request was received. The transmittal of this copy should not be delayed to the end of the quarter but should be sent immediately after preparation.

UCFE INSTRUCTIONS FOR STATE AGENCIES

d. Page 1 of Form ES-939

(STATE AGENCY NAME)
UCFE PROGRAM-FEDERAL AGENCY VISIT REPORT

SECTION 1. IDENTIFICATION DATA

1. FEDERAL AGENCY NAME AND ADDRESS 2. CORRECT NAME AND ADDRESS (IF DIFFERENT)
(PER STATE RECORDS)

3. VISIT MADE BY: (NAME, TITLE and DATE)

4. SPECIFIC REASON FOR VISIT

5. NAMES AND TITLES OF PERSONS CONTACTED

SECTION II. FEDERAL AGENCY FUNCTIONS

INSTRUCTIONS: Review the Federal Agencies UCFE Program based on the questions provided below. Any "NO" answers should be fully explained on sheet provided. If additional space is required provide a separate attachment.

General Administration		YES	NO
1.	Does the Federal agency have a designated UCFE Program Manager responsible for the overall UCFE program?	—	—
2.	Were copies of instructions issued by the U.S. Department of Labor distributed to and executed by appropriate units at installations of the agency?	—	—
3.	Were current procedures and operating instructions issued by the Federal agency?	—	—
4.	Did the Federal agency by August 1, provide the name(s), title(s), address(es) and telephone number(s) of the designated UCFE Program Manager and the UCFE Liaison(s)?	—	—
5.	Does the Federal agency have an address to have claims sent when the Form SF-8 has not been presented by the claimant?	—	—
6.	Is the address to send UCFE bills, detailed listings and related correspondence current?	—	—
7.	Has the Federal agency provided copies of instructions and informational material to the U.S. Department of Labor prior to issuance?	—	—
8.	Did the Federal agency cooperate fully during the review?	—	—
9.	Did the Federal Agency administrative offices which prepares UCFE forms have copies of UCFE Instructions for Federal agencies?	—	—

If no, provide a copy.

UCFE INSTRUCTIONS FOR STATE AGENCIES

e. Page 2 of Form ES-939

- | | YES | NO |
|--|-----|-----|
| 10. Did the Federal agency have an adequate supply of Forms SF-8? | ___ | ___ |
| 11. Were you able to observe a separation briefing where an SF-8 was provided? | ___ | ___ |
| 12. Review recently completed forms listed below and indicate the number reviewed.
ES-931 ___ ES-931A ___ ES-934 ___ ES-936 ___ | | |
| 13. Were the above listed forms completed within four workdays of receipt? | ___ | ___ |
| 14. Does the agency maintain a control record for incoming and outgoing forms? | ___ | ___ |
| 15. Were records requested from the National Personnel Records Center as required to complete UCFE Forms? | ___ | ___ |

ES-931/ES-931A/ES-934/ES-936

- | | YES | NO |
|---|-----|-----|
| 1. Did the agency understand what constitutes Federal Civilian Service? | ___ | ___ |
| 2. Did the Federal agency copy of completed Forms ES-931 show the 3-Digit Federal Agency Code? | ___ | ___ |
| 3. Was the Duty Station correctly identified? | ___ | ___ |
| 4. Was date of separation or last day of active pay status entered correctly? | ___ | ___ |
| 5. Was reason for separation shown as complete as the SF-50 or equivalent? | ___ | ___ |
| 6. When separation information on the SF-50 is inadequate was adequate information provided on the ES-931? | ___ | ___ |
| 7. Are payroll records and the ES-931 consistent? | ___ | ___ |
| 8. Was non-pay status (not separated) explained? | ___ | ___ |
| 9. When wage reporting (when earned vs. when paid) is inconsistent with State reporting requirements, does the Federal agency advise the State? | ___ | ___ |
| 10. Were Forms ES-931 and ES-931A completed correctly? | ___ | ___ |
| 11. Did the Federal agency respond timely and accurately to the Form ES-936? | ___ | ___ |
| 12. Was the ES-936 completed and verified by other than the individual who completed the ES-931? | ___ | ___ |
| 13. Are ES-934's referred to appropriate party? | ___ | ___ |
| 14. Does the Federal agency notify the State Employment Security Office when a former federal employee refused and offer of employment? | ___ | ___ |

UCFE INSTRUCTIONS FOR STATE AGENCIES

f. Page 3 of Form ES-939

APPEALS

	YES	NO
1. Does the Federal agency appeal State Financial and Non-monetary determinations when the determination(s) are inconsistent with Federal Findings?	—	—
2. Are determinations and hearing notices referred to the appropriate office?	—	—
3. When not able to attend a scheduled appeal hearing does the Federal agency provide sufficient information to be included in the record to protect their interests?	—	—

UCFE INSTRUCTIONS FOR STATE AGENCIES

g. Page 4 of Form ES-939

UCFE PROGRAM-FEDERAL AGENCY VISIT REPORT -CONTINUED

REMARKS: For each "NO" answer, list below by item number and indicate action taken by agency to comply with requirements, including correction of previous errors. If Federal agency visited had little or no UCFE activity, insure that agency understands it's responsibilities for each requirement and agrees to apply UCFE procedure to future activity.

PREPARED BY: (NAME)	TITLE	DATE
TIME SPENT IN TRAVELING	TIME SPENT IN VISITING	

UCFE INSTRUCTIONS FOR STATE AGENCIES

h. **Purpose and Use.** Form ES-939 is to be completed by a SESA or the ETA Regional Office representative, on each visit to a Federal agency installation in connection with the UCFE program. The form should be used when the visit is made, to denote a specific reason for the visit as well as when the visit is for general UCFE program purposes. The only time the form need not be completed is when:

(1) a visit report was completed within the immediately preceding 90 calendar days, and

(2) the previously completed form shows no significant inadequacy or the Federal agency has taken appropriate corrective action.

In addition to Federal agency installations which need, or request, SESA assistance, as determined by review of completed Forms ES-936, visits would be made to those Federal installations which:

(1) in many cases, do not issue SF-8's to their employees, as indicated by claimant's answers to the question which appears on each Form ES-931 and Form ES-931A;

(2) generally give inadequate information on Forms ES-931, ES-931A, or ES-934 or equivalent

(3) have refused to participate in the appeal process;

(4) are often slow in returning the UCFE forms; or

(5) frequently omit, or incorrectly answer, items on the various UCFE forms. Visits also would be made for the SESA of another State upon specific request of the ETA Regional Office.

Information on the status of the UCFE operations of a Federal installation will be useful to ETA, the Federal agency and SESA in evaluating how local installations are meeting their UCFE program responsibilities.

i. **Number of Copies and Distribution.** Sufficient copies of Form ES-939 will be prepared to provide the number necessary for SESA use plus one copy for the Federal installation visited and two copies for the ETA Regional Office. The Federal installation should be given a readable written copy of the completed report by the visitor before he/she leaves the installation, or a typed or reproduced copy should be sent to the Federal installation as soon as possible after the visit.

UCFE INSTRUCTIONS FOR STATE AGENCIES

SESA should send two copies of each completed Form ES-939 to the ETA Regional Office within 10 days after the end of the quarter in which the visit was made. The Regional office will include one of these copies in its quarterly transmittal of visit reports to the ETA National Office.

When a SESA makes a visit for the SESA of another State, an additional copy of the form will be prepared and sent to the requesting SESA via the appropriate ETA Regional Office.

If no Federal visits are conducted during a calendar quarter, a negative report should be submitted to the appropriate Regional office.

j. Preparation for Visit. Form ES-939 should be used as a checklist during the visit to ensure that each function related to UCFE program responsibility for payroll and personnel offices is covered. Each representative of the region and SESA should have available a copy of:

(1) "UCFE Instructions for Federal Agencies", published by the U.S. DOL; and

(2) FPM Supplement 296-31, "Separations" subtable (selected pages), of the Federal Personnel Manual.

Before visiting a Federal agency installation, the SESA representative should obtain proper clearance and approval, by telephone or in writing, from the supervisor or official in charge of the office or installation. UCFE program visits to civilian payroll and personnel offices on military posts or bases would be cleared with finance or personnel officers, or both; such officials usually hold a military rank. Visits to nonappropriated fund activities should receive approval of the custodians or managers of such funds or, for post or base exchanges, the exchange officer or equivalent official. In clearing such visits, the SESA representative should thoroughly explain the purpose of the visit.

If a Federal agency installation refuses to permit a SESA representative to make a UCFE visit, or does not allow the representative to review pertinent UCFE program documents, he/she should notify the appropriate ETA Regional Office, providing sufficient details and making reference to this Chapter. The ETA will make every effort to resolve the matter at the Regional or National Office level.

k. Instructions for Completion of Form and Conducting the Visit.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1). In Section I, "Identification Data," item 4, explain the specific reason for the visit; e.g., when the amount of wages shown on a verification Form ES-936 differs significantly from that reported on the corresponding Form ES-931. Under "Remarks" on page 4, explain the action taken or to be taken by the Federal installation to correct each inadequacy noted.

(2). All questions in Sections II, Federal agency functions are "yes" or "no" answers. Affirmative answers to all of the questions indicate that the Federal installation, at the time of the visit, is performing its UCFE functions satisfactorily. Explain negative answers to any of the questions under "Remarks."

(3). Answers to questions will be made on the basis of the conditions found in the payroll or personnel office when the visit is made. The explanation of negative answers under "Remarks" should specify the corrective action proposed or being taken.

(4). During each visit, the representative should determine whether the payroll and personnel offices are generally complying with UCFE instructions issued by the Federal agency for completing Forms ES-931, ES-931A, ES-934, and ES-936, issuing SF-8's and performing other UCFE program operations.

The representative should determine whether or not the payroll and personnel offices have available copies of the Federal agency's appropriate instructions; he/she should obtain a copy of the UCFE payroll instructions to assist in the review.

(5) The visitor will record separately, in the spaces provided on the lower portion of page 4 of the form the time spent:

(a) traveling and

(b) visiting.

The Form ES-939 questionnaire covers the Federal agency's basic UCFE program responsibilities and is used during the visit to record information pertaining to the Federal agency's discharge of its duties and to provide a report of findings.

During the review, DOL staff will attempt to determine if the SESA (local office) has adequately assisted the installation with respect to the UCFE Program and will provide technical assistance if necessary.

UCFE INSTRUCTIONS FOR STATE AGENCIES

5. **Introduction to Form ETA 8-32, Report of UCFE Activities**

The State agencies are to report to the ETA Regional office every 6 months on the verification activity and Federal agency visits.

UCFE INSTRUCTIONS FOR STATE AGENCIES

a. Form ETA 8-32

<i>(From Agency Meeting)</i>	
REPORT OF UCFE ACTIVITIES	
FOR THE 6-MONTH VERIFICATION PERIOD ENDING _____ 19__	
ACTIVITY	TOTAL NUMBER
1. Payroll offices in this State (or consular/mission offices based in Ocala) to which Forms ES-931 were sent.....	_____
2. Payroll offices outside U.S. to which Forms ES-931 were sent.....	_____
3. Forms ES-936 sent.....	_____
4. Forms ES-936 indicate-	
a. significant error in wage.....	_____
b. lack of an alphabetical-by-name file of Forms ES-931 or no copy of form in file.....	_____
c. misunderstanding as to reporting State (or country) of last employment (item 1b, Form ES-931).....	_____
d. misunderstanding as to reporting (1) severance pay; or (2) lump-sum payment for terminal annual leave.....	_____
e. incomplete reason(s) for separation (item 3d, Form ES-931).....	_____
f. lack of UCFE instructions.....	_____
g. desire to have a visit by State agency representative.....	_____
5. Based on the above verification activity-	
a. visits made during the 6-month period of this report.....	_____
b. visits scheduled (or made) for the next 6-month period following this report.....	_____
6. Visits which were made during the period of this report.....	_____
<i>(Note: reports are submitted quarterly to the appropriate ETA regional office; do not attach Forms ES 935 (MA 8 31) to this report.)</i>	

12 - to June 30, 19__ or December 31, 19__

UCFE INSTRUCTIONS FOR STATE AGENCIES

b. Number of Copies and Distribution. The SESA will send two copies of a report to the ETA Regional Office every 6 months on the verification activity and Federal agency visits conducted during the completed verification period. One copy of the report, which is due in the ETA Regional Office by the 15th day of the second month after the verification period, will be transferred to the ETA National Office. Thus, for the January 1 through June 30 verification period, the report is due on or before August 15; for the July 1 through December 31 verification period, the report is due on or before February 15.

c. Review of ETA 8-32. The ETA Regional Office will periodically review the reports and related data with the State agencies to determine:

(1) the effectiveness of the verification and Federal agency visiting program; and, when appropriate,

(2) the need for further action by the ETA.

6. Federal Agencies Contracting for UCFE Services.

Some Federal agencies have procured contractor services to handle their UCFE claims process. However, the Federal agency is responsible of ensuring that the UCFE claims process and other aspects of the program are handled in the same manner and thoroughness as the Secretary of Labor has prescribed. Federal agencies have been notified to monitor a contractor's performance as a part of their internal audit procedures. In addition, Federal agencies have been advised that:

a. A contractor should provide the Federal agency with a copy of all correspondence received from and to the SESA concerning the UCFE process. If a problem exists, it should be brought to the attention of the State Federal program coordinator and/or the National Office, Attn: TEUMI.

b. In most instances, a contractor cannot perform the requirements for the Form ES-936 verification process since the information must be obtained directly from the original records which are maintained at the Federal site. Therefore, a contractor must be instructed, by the SESA, upon receipt of a Form ES-936 verification report, to immediately send it to the appropriate staff member at the Federal agency for completion and return to the SESA.

c. While a contractor can suggest to a Federal agency which cases should be appealed, the final decision lies with the

UCFE INSTRUCTIONS FOR STATE AGENCIES

Federal agency staff. Though a contractor may attend a hearing, Federal representatives having first-hand knowledge of the situation must attend, give testimony, and present evidence to ensure that UCFE benefit payments are paid only those claimants who meet the eligibility requirements.

7. UCFE Records - Content, Identification, and Availability.

SESA records should contain enough information to substantiate all actions taken relating to determinations of entitlement for UCFE benefits. Accounting records should be in sufficient detail to permit proper accountability for UCFE funds provided to States for payment of UCFE benefits, and to provide the necessary information for the preparation of fiscal reports to the U.S. DOL. SESA records pertaining to the UCFE program should be identified as different from agency records pertaining to State UC benefits. SESA UCFE records must be available for inspection, examination, and audit by such Federal officers or employees as the Secretary of Labor may designate.

a. UCFE - Checks and Records of Payments.

(1) Data Supporting Payment. A payment from UCFE funds must be supported by a copy of the check or by a register or similar document clearly identifying the UCFE claimant by name, social security account number or control number used by the SESA and by the amount charged to UCFE funds. SESA records must be in sufficient detail to support the computation of the amount charged to such funds.

(2) Checks in Payment of Claims. Checks issued in payment of UCFE claims need not be identified especially as UCFE payments.

(3) Undelivered and Unclaimed Checks. Controls and records of undelivered and unclaimed UCFE checks returned to the SESA should identify checks paid from UCFE funds separately from other checks issued or authorized by the agency. Such controls and records should be in sufficient detail to permit proper accountability by SESA.

The SESA will cancel any check drawn by that State to pay UCFE benefits which has not been presented for payment within 1 year after the date of its issuance. The amount of the escheated check will be credited to the Federal agency account maintained by the SESA for UCFE funds. If, in accordance with State law, any claim for payment of UCFE benefits is made later, and UCFE

UCFE INSTRUCTIONS FOR STATE AGENCIES

benefits are paid, charges will be made to the State's UCFE Federal agency account.

When benefits are due a UCFE claimant at the time of his/her death, payment of the amount due should be made in accordance with the law and regulations governing the payment of State UC benefits due at the time of death.

(4) Disposal of UCFE and UCX Records. The USDOL has authorized transfer to SESA accountability records of the joint Federal-State UCFE and UCX programs. A request for transfer of UCFE and UCX records once made by each SESA, applies, unless revoked, to all UCFE and UCX records when transferable

The records listed below will be transferred to SESA accountability 3 years after final action (including appeals or court action) on the claim, or such records may be transferred in less than the 3-year period if reproduced in accordance with appropriate reproduction standards outline in this Chapter. With respect to overpayment records, fraudulent or nonfraudulent, the date the overpayment is written off is considered to be the date on which final action took place. After the transfer is completed, SESA will follow its State law for disposal of records identified as follows:

(a) Individual claim files consisting of new, additional, reopened, and continued claims for UC; determinations of entitlement; reports of interviews; claim record forms; and other related documents, records, and correspondence.

(b) Appeal records consisting of petitions appealing UC determinations; copies of subpoenas; notices and transcripts of hearing; exhibits; decisions; and other related documents, records, and correspondence.

(c) Claimant payment records consisting of benefit history files (e.g., ledger cards or sheets); canceled checks, copies of checks, and check registers or similar controls; records of overpayment, underpayment, and adjustments; and other related documents, records, and correspondence.

(d) Individual claim records relating to administrative penalties and criminal prosecution in cases of fraudulent claims.

8. UCFE/UCX - Standards for the Maintenance of Records.

The following standards apply to the maintenance of UCFE and

UCFE INSTRUCTIONS FOR STATE AGENCIES

UCX records:

a. **Standards.** When reproducing permanently valuable records, in order to dispose of the originals--

(1) The integrity of the original records will be preserved on the copies. This implies that the copies will be adequate substitutes for the original records in serving the purposes for which such records were created or maintained. More specifically, the term "integrity of the records" means that:

(a) The copies will be so arranged, identified, and indexed that an individual document or component or a record series can be located with reasonable facility; and

(b) The copies will contain all significant record detail needed for probable future reference.

(2) The method used will comply with the appropriate specifications for permanent records.

(3) The provisions for preserving, examining, and using the copies of the original records will be adequate.

b. **Safeguard.** The SESA should assure that the quality of records are maintained in accordance with the information provided above. The maintenance of UCFE records should be of the same quality as that required of other State UC records.

9. UCFE Reporting

a. The Unemployment Insurance Service (UIS) of the ETA National Office requires the State agencies to submit many of its reports electronically. Reporting requirements pertaining to UCFE electronic submittals are contained in ETA Handbook No.401.

It is the policy of the UIS to assure accuracy, uniformity, and comparability in the reporting of statistical data derived from State UC operations through State adherence to Federal definitions of reporting items, use of specific formats, observance of reporting due dates, and regular verification of reporting items.

b. UCFE claimant activity is submitted electronically by State agencies in the following reports:

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1) **ETA 539 Report, Weekly Claims and Extended Benefits Trigger Data**

(2) **ETA 5159 Claims and Payment Activities**

(3) **ETA 5130 Benefit Appeals Report**

(4) **ETA 207 Nonmonetary Determinations Report**

(5) **ETA 218 Benefit Rights and Experience**

10. Frequency of Reports.

a. **ETA 539 reports should be submitted by State agencies on a weekly basis to the ETA National Office by the opening of business Thursday following the week in which the claims were filed.**

b. **ETA 5159 reports should be submitted by State agencies to the ETA National Office on the 15th day of the month following each calendar month to which it relates.**

c. **ETA 5130 reports should be submitted by State agencies to the ETA National Office by the 20th day of the month following month to which it relates.**

d. **ETA 207 reports should be submitted by State agencies to the ETA National Office on the 15th day of the month following the quarter to which it relates.**

e. **ETA 218 reports should be submitted by State agencies to the ETA National Office on the 25th day of the first month following the quarter to which it relates.**

f. **Form ETA-227, Overpayment Detection/Recovery Activities. Form ETA-227 provides information on determinations, overpayments, recoveries of overpayments on intrastate and liable interstate claims under State UC and UCFE claims programs.**

The SESA's accomplishments in principal detection areas of benefit payment control are shown in the ETA-227 report. The ETA and State agencies need such information to ensure that benefit payments are properly made. Data are provided for criminal and civil actions involving benefit overpayments obtained fraudulently, and an aging schedule of outstanding benefit overpayment accounts is included.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1). Frequency of the Form ETA 227 Report. The ETA-227 report is due quarterly.

Report for Calendar
Quarter Ending

Due

March 31
June 30
September 30
December 31

May 1
August 1
November 1
February 1

(2). Submittal of the Form ETA 227 Report. One copy of the Form ETA-227 should be sent to the appropriate Regional Office; the original and one copy should be sent to:

U.S. Department of Labor
Employment and Training Administration
ATTN: TEURA-Reports, Room S-4519 FPB
200 Constitution Avenue, N.W.
Washington, D.C. 20210

NOTE: Detailed instructions for preparing Form ETA-227 may be found in ES Manual, Part III, Chapters 5600-5799 and Chapters 12400-12402.

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12. ETA 5159 Claims and Payment Activities

Claims and Payment Activities **U.S. Department of Labor**
Employment and Training Administration

This report is required by law (42 U.S.C. 5159-5164). Failure to report can result in withholding of funds. (42 U.S.C. 5159)

Program F.O.I. categories include:
 Regular Seasonal Temporary Other

UCFE No. (ETA 5159) Agency Name

Section A: Claims Activities

Program	Total No. of Claims 1-4	New Claims Under Old Numbers	Claims Under New Numbers	Claims Under Old Numbers	Claims Under New Numbers	Claims Under Old Numbers	Claims Under New Numbers
UCFE No. 01							
UCFE No. 02							
UCFE No. 03							

Section B: Payment Activities

Program	Payment Base of Program	Weeks Completed		UCFE and UCFI Programs	
		UCFE	UCFI	UCFE	UCFI
UCFE No. 01					
UCFE No. 02					
UCFE No. 03					

Section C: Time Lapse in First Payments for Total Unemployment

Time Interval	UCFE & UCFI Programs		Comments (if self-insured or other)
	UCFE	UCFI	
1-3			
4-6			
7-9			
10-12			
13-15			
16-18			
19-21			
22-24			
25-27			
28-30			
31-33			
34-36			
37-39			
40-42			
43-45			
46-48			
49-51			
52-54			
55-57			
58-60			
61-63			
64-66			
67-69			
70-72			
73-75			
76-78			
79-81			
82-84			
85-87			
88-90			
91-93			
94-96			
97-99			
100-102			
103-105			
106-108			
109-111			
112-114			
115-117			
118-120			
121-123			
124-126			
127-129			
130-132			
133-135			
136-138			
139-141			
142-144			
145-147			
148-150			
151-153			
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157-159			
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196-198			
199-201			
202-204			
205-207			
208-210			
211-213			
214-216			
217-219			
220-222			
223-225			
226-228			
229-231			
232-234			
235-237			
238-240			
241-243			
244-246			
247-249			
250-252			
253-255			
256-258			
259-261			
262-264			
265-267			
268-270			
271-273			
274-276			
277-279			
280-282			
283-285			
286-288			
289-291			
292-294			
295-297			
298-300			

For a complete listing of the collection of information a complete copy of the UCFE and UCFI programs including the UCFE receiving activities and the UCFI receiving activities, please refer to the UCFE and UCFI programs manual, which is available to all UCFE and UCFI agencies. For a complete listing of the UCFE and UCFI programs, please refer to the UCFE and UCFI programs manual, which is available to all UCFE and UCFI agencies. For a complete listing of the UCFE and UCFI programs, please refer to the UCFE and UCFI programs manual, which is available to all UCFE and UCFI agencies.

ETA 5159
Rev. Dec. 1982

UCFE INSTRUCTIONS FOR STATE AGENCIES

13. ETA 5130 Benefit Appeals Report

Benefit Appeals

U.S. Department of Labor
Employment and Training Administration



OMB Approval No.: USD-0172
Expires: 09/74/88

Report for Period Ending (Mo., Day, Year)	Report Date	State Name	State Code
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LINE NO.	SECTION A. SINGLE-CLAIMANT AND MULTICLAIMANT APPEALS CASE DECISION BY PROGRAM AND OTHER DISPOSITIONS					
	UI Decisions		UCFE - No UI Decisions		UCFE - UI Decisions	
	Lower Authority	Higher Authority	Lower Authority	Higher Authority	Lower Authority	Higher Authority
	(1)	(2)	(3)	(4)	(5)	(6)
100						
Cases Disposed of Other than by Decision			Appeals Hearings Held for Other Reason			
	(7)			(8)		
200						

LINE NO.	SECTION B. CLAIMANTS INVOLVED IN STATE UI APPEALS CASES BY STATUS OF APPEALS				
	Status of Appeals	Single-Claimant Appeals		Multi-Claimant Appeals	
		Lower Authority	Higher Authority	Lower Authority	Higher Authority
		(9)	(10)	(11)	(12)
300	Filed During Month				
310	Disposed of During Month				
320	Pending at End of Month				

LINE NO.	Time Lapse (in days)	SECTION C. TIME LAPSE ON STATE UI APPEALS DECISION (Time lapse between date of filing and date of final decision)					
		All UI Decisions		Ineligible		Withdrawn	
		Lower Authority	Higher Authority	Lower Authority	Higher Authority	Lower Authority	Higher Authority
		(13)	(14)	(15)	(16)	(17)	(18)
400	Total Cases						
410	0-30						
420	31-60						
430	61-90						
440	Over 90						

LINE NO.	UI Appeals Decisions	SECTION D. STATE UI APPEALS DECISIONS BY TYPE OF APPELLANT							
		All UI Decisions		Claimant		Employer		Other	
		Lower Authority	Higher Authority	Lower Authority	Higher Authority	Lower Authority	Higher Authority	Lower Authority	Higher Authority
		(19)	(20)	(21)	(22)	(23)	(24)	(25)	(26)
500	Total								
510	In Favor of Appellant								

LINE NO.	SECTION E. NUMBER OF LOWER AUTHORITY STATE UI APPEALS DECISIONS BY ISSUE						
	Total UI Decisions	Voluntary Quit	Miscellaneous	Refusal of Suitable Work	Not Able to Avail Self	Unlawful Dispute	Other
	(27)	(28)	(29)	(30)	(31)	(32)	(33)
600							

SIGNATURE	TITLE	DATE
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Public reporting burden for this collection of information is estimated to average 4 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Information Management, Department of Labor, Room 5130, 200 Constitution Avenue, N.W., Washington, DC 20210, and to the Office of Management and Budget, Paperwork Reduction Project (1220-0172), Washington, DC 20503.

MA 5-73: 01-1-79

UCFE INSTRUCTIONS FOR STATE AGENCIES

14. ETA 207 Nonmonetary Determinations Report

nonmonetary Determination Activities

U.S. Department of Labor
Employment and Training Administration



OMB Approval No. 1220-0182
Expires

1. Covering Period	2. Report Date	3. Report Title
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A. Determinations, Re-determinations, and Renewals

Item	Line No.	Ergo-Contract Work			Manufacturing Work		
		Total Determinations and Re-determinations	Total Determinations	Total Re-determinations	Total Determinations and Re-determinations	Total Determinations	Other
		1	2	3	4	5	6
State of	Determinations	101					
	Denials	102					
UCFE No. U	Determinations	103					
	Denials	104					
UCI City	Determinations	105					
	Denials	106					

B. Determinations Involving Separation Issues, Single-Clients

Item	Line No.	Total Separation Issues	Voluntary Leaving (Includes marital and other personal obligations & students)	Discharge or Resignation (Includes "year" or "agreed" provisions)	Other
		7	8	9	10
State of	Determinations	201			
	Denials	202			
UCFE No. U	Determinations	203			
	Denials	204			

C. Determinations Involving Nonseparation Issues, Single-Clients

Item	Line No.	Total Nonseparation Issues (Form 200-12 Div. 10)	Disqualifying or Deductible Income	Reason of Unpaid Work	Reporting Requirements (Calcing and others)	Other (includes state agencies and others)
		11	12	13	14	15
State of	Determinations	301				
	Denials	302				

Comments: Administrative, Legal, and Economic Factors (Use reverse side, if necessary)

Signature	Title	Date
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Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering existing data sources, gathering and maintaining the data needed, and completing, reviewing, and reporting the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (1220-0182), Washington, DC 20503, and to the Office of Management and Budget, Paperwork Reduction Project (1220-0182), Washington, DC 20503.

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15. ETA 218 Benefit Rights and Experience

Benefit Rights and Experience

U.S. Department of Labor
Employment and Training Administration



OMB Approved 1208-0177
Expires 01/31/88

A. REPORT FOR QUARTER ENDING (Mon. Day, Yr.)	B. REGION CODE	C. STATE CODE	D. STATE
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LINE NO.	SECTION A. MONETARY DETERMINATIONS 1/			CLAIMANTS ESTABLISHING BENEFIT YEARS			PREDETERMINATIONS MADE "AS REPORTED" CLAIMED 2/	
	TOTAL (Sum of Col. 1 + 2)	WITH INSUFFICIENT TRADE CREDITS	WITH SUFFICIENT TRADE CREDITS	TOTAL	OFFERED TO BUSINESS UNEMP. BENEFIT	OFFERED TO BUSINESS UNEMP. BENEFIT AND DURATION	TOTAL	SEMI-DAYS OF BENEFIT YEARS TO WHICH PREDETERMINATION RELATE 3/
	1	2	3	4	5	6	7	8

LINE NO.	ITEM	RANGES OF WEEKS OF DURATION						
		TOTAL (Sum of Col. 10 - 20)	LESS THAN 10 WEEKS	10 - 14 WEEKS	15 - 19 WEEKS	20 - 24 WEEKS	25 - 29 WEEKS	30 - 35 WEEKS
		9	10	11	12	13	14	15
101	POTENTIAL							
102	ACTUAL							

LINE NO.	ITEM	CL. LAYOFF WEEKS - OC. BURN - COMP. - LATE				RANGES WITH MAXIMUM DURATION	AVERAGE WEEKS OF DURATION
		20 - 27 WEEKS	28 - 31 WEEKS	32 - 35 WEEKS	36 - 39 WEEKS		
		16	17	18	19	20	21
103	POTENTIAL						
104	ACTUAL						

1/ Predeterminations made by uniform benefit year States should be included for the quarter in which the benefit year commenced begins.
2/ To be reported by uniform benefit year States making predeterminations.

COMMENTS

We estimate that it will take an average of _____ per response to complete this collection of information, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management Policy, Department of Labor, Room 4-1301, 200 Constitution Avenue, N.W., Washington, DC 20510, and to the Office of Management and Budget, Paperwork Reduction Project (1208-0177), Washington, DC 20503.

DO NOT SEND THE COMPLETED FORM TO EITHER OF THESE OFFICES

ETA 218
Jan 1982

UCFE INSTRUCTIONS FOR STATE AGENCIES

16. Form ETA-227, Overpayment Detection/Recovery Activities, Page 1.

Overpayment Detection/Recovery Activities

U.S. Department of Labor
Employment and Training Administration



OMB Approval No. 1220-0175
Expires 03-28-94

1. Agency Code	2. State Code	3. Name of State	4. Report Period Dates (Month, Day, Year)
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SECTION A. NUMBER AND AMOUNTS OF OVERPAYMENTS ESTABLISHED

Item	Line No.	Number of Cases				Dollar Amount			
		Fraud		Nonfraud		Fraud		Nonfraud	
		U	UOFLAC	U	UOFLAC	U	UOFLAC	U	UOFLAC
Total Fraud Overpayments									
Nonfraud Overpayments									
Revenue (LAW)	102								
SCA Errors	103								
Employer Errors	104								
Claimant Errors	105								
Administrative Penalty	106								
Other	107								
Total Nonfraud Overpayments									
Total Fraud and Nonfraud Overpayments									

SECTION B. RECONCILIATION OF OVERPAYMENT ACTIVITIES

Item	Line No.	Number of Cases				Dollar Amount			
		Fraud		Nonfraud		Fraud		Nonfraud	
		U	UOFLAC	U	UOFLAC	U	UOFLAC	U	UOFLAC
Overpayments									
Outstanding at Beginning of Period	20								
Recovered - CASN	202								
Recovered - OFFSET	203								
Waived	204								
Transferred	205								
Abandoned	206								
Subrogated	207								
Outstanding at End of Period	208								
Less: Allowances for Doubtful Accounts	209								
Unrecoverable Considered Collected at the End of Period	210								

UCFE INSTRUCTIONS FOR STATE AGENCIES

17. Form ETA-227, Overpayment Detection/Recovery Activities, Page 2.

Overpayment Detection/Recovery Activities -- Continued

I. Report Date	II. Base Code	III. Name of State	IV. Report Period (Start, Stop, Year)
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SECTION C. DETECTION ACTIVITIES AND RESULTS

Activities Used To Detect Fraud and Overpayments	Line No.	No. Cases Opened	Number and Amount of Overpayments Identified			
			Fraud		Recovery	
			No. Cases	Dollars	No. Cases	Dollars
		(12)	(14)	(13)	(15)	(17)
Overmatch of Benefit Payments with Wage Records	281					
Verification of Life Earnings	282					
Employer Review of Benefit Changes	283					
Tips and Leads from Outside Sources	284					
Verification of Return-to-Work Dates and Wage Earned	285					
Personal Observation	286					
Quality Control	287					
Other Creditable Activities	288					
Other Noncreditable Activities	289					
Fictitious Employer Cases	290					
TOTALS	291					

SECTION D. CRIMINAL/CIVIL ACTIONS

Item	Line No.	STATE LOCAL COURTS			U.S. SUP. OF DIST. CT.
		STATE LOCAL COURTS			
		U	LOCAL		
		(18)	(19)	(20)	
Number Fraud Cases Pending Prosecution at the Beginning of the Period	401				
Number Fraud Cases Referred for Prosecution During the Period	402				
Number Cases Prosecution Refused	403				
Number Convictions Obtained	404				
Number Cases Referred to Civil Action	405				
Number Civil Actions Obtained	406				

Remarks

UCFE INSTRUCTIONS FOR STATE AGENCIES

18. Form ETA-227, Overpayment Detection/Recovery Activities, Page 3.

Overpayment Detection/Recovery Activities -- Continued

1. Region Code	2. State Code	3. Name of State	4. Report Period Begins (Month, Day, Year)
SECTION 5. AGING BENEFIT OVERPAYMENT ACCOUNTS			
Assured Recipients	Line No.	Total Amount	
		U	UNPAID
		(U)	(U)
00 days or less	001		
01 days - 100 days	002		
101 days - 270 days	003		
271 days - 350 days	004		
351 days - 450 days	005		
451 days or more	006		
Total Assured Recipients	007		

Signature of Approving Official

Date

Field reporting burden for this collection of information is estimated to average 15 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Information Management, Department of Labor, Room 4120, 225 Constitution Avenue, N.W., Washington, D.C. 20540 and to the Office of Management and Budget, Paperwork Reduction Project (1225-0172), Washington, D.C. 20503.

UCFE INSTRUCTIONS FOR STATE AGENCIES

CHAPTER XI - UCFE FUNDING and BILLING

1. UCFE Funding.

Public Law 96-499, the Omnibus Reconciliation Act of 1980, amended the UCFE law (5 U.S.C. 8509) and requires Federal agencies to reimburse the cost of UCFE for their former employees. One of the primary reasons for passage of this Act was to encourage Federal agencies to assume more responsibility for managing its UCFE expenditures. P.L. 96-499 also established within the Unemployment Trust Fund the "Federal Employees Compensation (FEC) Account." The FEC Account operates as a revolving account.

State agencies are required to requisition funds from the FEC Account to cover anticipated benefit payment needs for all UCFE claimants and reporting such payments for subsequent billing to Federal agencies. Refer to UIPL 17-81 for more detailed procedures on requisitioning UCFE funds.

2. UCFE Billing.

a. Form ETA 191, Statement of Expenditures of Federal Funds for Unemployment Compensation for Federal Employees and Ex-servicemenbers (UCFE/UCX). Form ETA 191 is used by each SESA to report to the National Office (NO):

(1) the quarterly summary UCFE expenditures and adjustments (Section A); and

(2) the total amount of benefits paid by the SESA to claimants of specific agencies. Section B of the ETA 191 is the only source document used to bill agencies for the recovery of UCFE benefit expenditures.

Submitting the ETA 191 report timely has a major impact on maintaining the solvency of the FEC Account. In order that the Account operates successfully, it is dependent upon two of its major components--the SESA and the Federal agency. Each SESA withdraws resources from the FEC Account to cover the necessary UCFE benefit payments. Quarterly, UIS bills those Federal agencies based on the data contained in Section B of the ETA 191 report. Each Federal agency deposits into the FEC Account, on a quarterly basis, reimbursements of benefits that have been paid to their employees or former employees. After receipt of each quarterly ETA 191 report, the UIS/NO aggregates the benefit payments by individual Federal agencies and bills

UCFE INSTRUCTIONS FOR STATE AGENCIES

each accordingly. Quarterly, the NO certifies to the U. S. Department of the Treasury the total amounts due from each Federal agency.

b. Due Date and Transmittal

(1) Within 25 days after the close of each quarter, Form ETA 191 is to be transmitted electronically to the DOL, Employment and Training Administration. If a SESA unable to transmit the Form ETA 191 electronically, it may be sent to the following address:

U. S. Department of Labor
Employment and Training Administration
Attn: TEURA--Reports
200 Constitution Avenue, N.W.
Rm. 4519
Washington, D.C. 20210

c. Use of Computer Printouts. A computer printed output may be used in place of supplied report forms if they are arranged in the same format and data items are clearly labeled. A computer printout page size of 8 1/2" x 11" is preferred, but sizes up to 11" x 14 3/4" are acceptable.

d. General Instructions

(1) Requisitioning Funds from the Federal Employees Compensation Account. State agencies are required to requisition funds from the FEC Account to cover anticipated benefit payment needs for all UCFE claimants. These electronic requests are received by the Financial Management Services, Funds Accounting Branch, U.S. Department of the Treasury. To prevent the build up of excessive balances in local banks, requisitions and transfers of funds should be made on a daily basis.

(2) Providing Information to Federal Agencies. Pursuant to the Secretary's authority in 5 USC 8509 (f), State agencies will continue to, for purposes of this Act, provide appropriate personnel/payroll offices of Federal agencies with a copy of all determination notices, including appeals, that are now provided to a private employer, as instructed by Sections 6662 and 8692, Part V of the ES Manual. The SESA should be prepared to furnish the Federal agencies, upon their request, with detailed benefit payment data, which supports the charges contained in Section B of Form ETA 191. State agencies will provide the certified documentation directly to those Federal agencies that have requested the benefit payment data. These

UCFE INSTRUCTIONS FOR STATE AGENCIES

agencies are listed in the unemployment insurance program letter entitled, "Directory of Federal (Civilian) and Military Agencies Requesting Quarterly UCFE and UCX Detailed Benefit Payment Data."

(3) Correcting Errors Made in a Prior Quarter.

Corrections should be reported on the ETA 191 to UIS as soon as possible. A timeframe of 2 years, from the time that the error occurred, has been established as sufficient time for adjustments to be made. State agencies are to correct improper charges made to Federal agencies by increasing or decreasing the agency's charges in a subsequent ETA 191 report. In cases where there may not be charges in a following quarter, only the corrective entry should be reported. State agencies are not to submit more than one Form ETA 191 report per quarter.

e. Item by Item Instructions

(1) Section A. Summary Statement of Expenditures and Adjustments

(a) Item 1. Benefit Expenditures. Include in the appropriate columns all UCFE unemployment compensation benefits paid to eligible (as based on title 5 U. S. Code) former employees during the reported quarter. These expenditures should include "pure" UCFE (exclude State UI), joint, and supplemental benefit payments.

(b) Item 2. Adjustments Assigned to Agencies

(1) (a) Cancellations. Enter in the appropriate UCFE column the total amount of any checks canceled during the quarter which were reported as expenditures in prior quarters. Cancellations of checks drawn in the current quarter are to be reflected in Item 1. All check cancellations are to be reported as negative figures.

(2) (b) Restoration of Overpayments. Enter in the appropriate UCFE column the total amount of restorations made during the quarter of overpayment made in prior quarters. Restorations of overpayment received during this quarter and based on expenditures in the current quarter should be reflected in Item 1. All restorations of overpayment should be reported in as a negative figure.

(3) (c) Other. Enter the total of other adjustments in UCFE payments, such as over or understatement of UCFE expenditures reported in prior quarters. Submit

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an explanation of items in the appropriate section of the Form ETA 191.

(c) Item 3. Total Assigned Expenditures and Adjustments. Enter in the appropriate columns, the total amounts of UCFE expenditures and adjustments that are being charged to Federal agencies during this reporting period. The figures entered in this item for UCFE are the results of Items 1, 2(a), 2(b), and 2(c). These totals must match the totals reported in Section B. The report cannot be sent electronically if the totals do not match.

(d) Item 4. Expenditures and Adjustments Not Assigned to Agencies.

(1) (a) Penalties and Interest. Enter the total amount of penalty and interest (P&I's) received by the SESA which results from any prior UCFE payments. These are to be shown as a negative figure. All recoupment resulting from P&I's are to be returned to the FEC Account. If the P&I's are based on an overpayment of benefits that was drawn from the Federal Unemployment Benefits and Allowances Account, such amounts are to be returned to the DOL.

(2) Other--Explain in Comments. Enter in the appropriate UCFE column any adjustments that were not included in Item 4(a). For example, list adjustments to a UCFE charge that occurred more than 2 years after the quarter in which the initial payment was made or an agency for which a 3-Digit Federal Agency Code has not been assigned. In the latter case, include in the comments section both, the agency name, and total amount of benefits for each agency.

(e) Item 5. Total Expenditures and Adjustments Not Assigned to Agencies. In the UCFE column, enter the results of Items 4(a) and 4(b).

(f) Item 6. Grand Total--Expenditures and Adjustments. Enter total expenditures for the quarter by calculating Item 3 and Item 5

(2) Section B. Statement of Expenditures

(a) Enter in Column 1 the 3-Digit Federal Agency Code which has been assigned to each Federal agency. For each agency, being charged during the reporting quarter, there should be a separate entry in this column. If the 3-Digit Federal Agency Code is unknown, report the benefits under Section A, Item 4(b).

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Since the 3-Digit Federal Agency Codes are the major element used in billing Federal agencies, accuracy in this area is of paramount importance.

(b) Enter in Column 2 the name of the agency being charged. The name of the agency should correspond with the 3-Digit Federal Agency Code in Column 1.

(c) Enter in Column 4, the total amount of UCFE benefits being charged to the Federal agencies listed in Column 1. Charges to Federal agencies will include adjustments for restoration of Federal funds resulting from cancellation of checks, recoupment of overpayment, etc. Therefore, the sum of UCFE benefit charges must be equal the amount found in the UCFE column of Section A, Item 3 (UCFE).

f. Certification. The provision of part IV, section 7003, with respect to the certification of financial reports, applies equally to Form ETA 191. Pursuant to that provision, financial reports should be certified by an individual whose certificate of authorization is on file with the national office. Therefore, each SESA should provide UIS with amended or additional certifications as required in accordance with part IV, sections 0640-0649.

g. 3-Digit Federal Agency Codes. 3-Digit Federal Agency Codes identifying each Federal agency are listed on the following pages. Additional agencies with their corresponding 3-Digit Federal Agency Code will be added to the list as necessary. State agencies will use these 3-Digit Federal Agency Codes to identify all claim records and claim forms of claimants who performed Federal service in his/her base period. If, after using The United States Government Manual, and an agency cannot be identified with a code, the total amount of these expenditures should be reported as "not assigned," and included in the appropriate column of Item 4 (b). The name of the agency, and the total amount of benefits paid should be provided in the comments section.

NOTE: Refer to Part V, ES Manual, Section 9336, for more detailed reporting instructions for the ETA 191 Report.

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**APPENDIX A - TITLE 5 - SECTIONS 8501-8509, U.S. Code, AS AMENDED,
UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES.**

Section 8501. Definitions

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For the purpose of this subchapter --

(1) "Federal service" means service performed after 1952 in the employ of the United States or an instrumentality of the United States which is wholly or partially owned by the United States, but does not include service (except service to which subchapter II of the chapter applies) performed --

(A) by an elective official in the executive or legislative branch;

(B) as a member of the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;

(C) by members of the Foreign Service for whom payments are provided under Section 609(b)(1) of the Foreign Service Act of 1980;

(D) outside the United States, the Commonwealth of Puerto Rico, and the Virgin Islands by an individual who is not a citizen of the United States;

(E) by an individual excluded by regulations of the Office of Personnel Management from the operation of subchapter III of chapter 83 of this title because he is paid on a contract or fee basis;

(F) by an individual receiving nominal pay and allowances of \$12 or less a year;

(G) in a hospital, home, or other institution of the United States by a patient or inmate thereof;

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(H) by a student-employee as defined by section 5351 1/ of this title;

(I) by an individual serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(J) by an individual employed under a Federal relief program to relieve him from unemployment;

(K) as a member of a State, county, or community committee under the Agricultural Stabilization and Conservation Service or of any other board, council, committee, or other similar body, unless the board, council, committee, or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

(L) by an officer or a member of the crew on or in connection with an American vessel --

(i) owned by or bareboat chartered to the United States; and

(ii) whose business is conducted by a general agent of the Secretary of Commerce;

if contributions on account of the service are required to be made to an unemployment fund under a State unemployment compensation law under section 3305(g) of title 26;

(2) "Federal wages" means all pay and allowances, in cash and in kind, for Federal service;

1/ reprinted from section 5351: "student-employee" means --

(a) a student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, and student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency; and

(b) any other student-employee, assigned or attached primarily for training purposes to a hospital, clinic, or medical or dental laboratory operated by an agency, who is designated by the head of the agency with the approval of the Office of Personnel Management.

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- (3) "Federal employee" means an individual who has performed Federal service;
- (4) "compensation" means cash benefits payable to an individual with respect to his unemployment including any portion thereof payable with respect to dependents;
- (5) "benefit year" means the benefit year as defined by the applicable State unemployment compensation law, and if not so defined the term means the period prescribed in the agreement under this subchapter with a State or, in the absence of such an agreement, the period prescribed by the Secretary of Labor;
- (6) "State" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands;
- (7) "United States", when used in a geographical sense, means the States; and
- (8) "base period" means the base period as defined by the applicable State unemployment compensation law for the benefit year.

Section 8502. Compensation under State agreement

(a) The Secretary of Labor, on behalf of the United States, may enter into an agreement with a State, or with an agency administering the unemployment compensation law of a State, under which the State agency shall--

(1) pay, as agent of the United States, compensation under this subchapter to Federal employees; and

(2) otherwise cooperate with the Secretary and with other State agencies in paying compensation under this subchapter.

(b) The agreement shall provide that compensation will be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the compensation which would be payable to him under the unemployment compensation law of the State if his Federal service and Federal wages assigned under section 8504 of this title to the State had been included as employment and wages under that State law.

[(c) Repealed.]

(d) A determination by a State agency with respect to entitlement to compensation under an agreement is subject to review in

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the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(e) Each agreement shall provide the terms and conditions on which it may be amended or terminated.

Section 8503. Compensation absent State agreement

(a) In the case of a Federal employee whose Federal service and Federal wages are assigned under section 8504 of this title to a State which does not have an agreement with the Secretary of Labor, the Secretary, under regulations prescribed by him, shall, on the filing by the Federal employee of a claim for compensation under this subsection, pay compensation to him in the same amount, on the same terms, and subject to the same conditions as would be paid to him under the unemployment compensation law of the State if his Federal service and Federal wages had been included as employment and wages under that State law. However, if the Federal employee without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that State law, then payments of compensation under this subsection may be made only on the basis of his Federal service and Federal wages.

(b) A Federal employee whose claim for compensation under subsection (a) of this section is denied is entitled to a fair hearing under regulations prescribed by the Secretary with respect to entitlement to compensation under this section is subject to review by the courts in the same manner and to the same extent as is provided by section 405(g) of title 42.

Section 8504. Assignment of Federal service and wages

Under regulations prescribed by the Secretary of Labor, the Federal service and Federal wages of a Federal employee shall be assigned to the State in which he had his last official station in Federal service before the filing of his first claim for compensation for the benefit year. However --

(1) if, at the time of filing his first claim, he resides in another State in which he performed, after the termination of his Federal service, service covered under the unemployment compensation law of the other State, his Federal service and Federal wages shall be assigned to the other State, and

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(2) if his last official station in Federal service, before filing his first claim, was outside the United States, his Federal service and Federal wages shall be assigned to the State where he resides at the time he files his first claim.

Section 8505. Payments to States.

(a) Each State is entitled to be paid by the United States with respect to each individual whose base period wages included Federal wages an amount which shall bear the same ratio to the total amount of compensation paid to such individual as the amount of his Federal wages in his base period bears to the total amount of his base period wages.

(b) Each State shall be paid, either in advance or by way of reimbursement, as may be determined by the Secretary of Labor, the sum that the Secretary estimates the State is entitled to receive under this chapter for each calendar month. The sum shall be reduced or increased by the amount which the Secretary finds that his/her estimate for an earlier calendar month was greater or less than the sum which should have been paid to the State. An estimate may be made on the basis of a statistical sampling, or other method agreed on by the Secretary and the State agency.

(c) The Secretary, from time to time, shall certify to the Secretary of the Treasury the sum payable to each State under this section. The Secretary of the Treasury, before audit or settlement by the General Accounting Office, shall pay the State in accordance with the certification from the funds for carrying out the purposes of this subchapter.

(d) Money paid a State under this subchapter may be used solely for the purposes for which it is paid. Money so paid which is not used for these purposes shall be returned, at the time specified by the agreement, to the Treasury of the United States and credited to current applicable appropriations, funds, or accounts from which payments to States under this subchapter may be made.

(e) An agreement may --

(1) require each State officer or employee who certifies payments or disburses funds under the agreement or who otherwise participates in its performance, to give a surety bond to the United States in the amount the Secretary considers necessary; and

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(2) provide for payment of the cost of the bond from funds for carrying out the purposes of this subchapter.

(f) In the absence of gross negligence or intent to defraud the United States, an individual designated by the Secretary, or designated under an agreement, as a certifying official is not liable for the payment of compensation certified by him under this subchapter.

(g) In the absence of gross negligence or intent to defraud the United States, a disbursing official is not liable for a payment by him under this subchapter if it was based on a voucher signed by a certifying official designated as provided by subsection (f) of this section.

(h) For the purpose of payments made to a State under subchapter III of chapter 7 of title 42, administration by a State agency under an agreement is deemed a part of the administration of the State unemployment compensation law.

Section 8506. Dissemination of Information.

(a) Each agency of the United States and each wholly or partially owned instrumentality of the United States shall make available to State agencies which have agreements under this subchapter, or to the Secretary of Labor, as the case may be, such information concerning the Federal service and Federal wages of a Federal employee as the Secretary considers practicable and necessary for the determination of the entitlement of the Federal employee to compensation under this subchapter. The information shall include the findings of the employing agency concerning --

- (1) whether or not the Federal employee has performed Federal service;
- (2) the periods of Federal service;
- (3) the amount of Federal wages; and
- (4) the reasons for termination of Federal service.

The employing agency shall make the findings in the form and manner prescribed by regulations of the Secretary. The regulations shall include provision for correction by the employing agency of errors and omissions. This subsection does not apply with respect to Federal service and Federal wages covered by subchapter II of this chapter.

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(b) The agency administering the unemployment compensation law of a State shall furnish the Secretary such information as he considers necessary or appropriate in carrying out this subchapter. The information is deemed the report required by the Secretary for the purpose of section 503(a)(6) of title 42.

Section 8507. False Statements and Misrepresentations.

(a) If a State agency, the Secretary of Labor, or a court of competent jurisdiction finds that an individual--

(1) knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact; and

(2) as a result of that action has received an amount as compensation under this subchapter to which he was not entitled; the individual shall repay the amount to the State agency or the Secretary. Instead of requiring repayment under this subsection, the State agency or the Secretary may recover the amount by deductions from compensation payable to the individual under this subchapter during the 2-year period after the date of the finding. A finding by a State agency or the Secretary may be made only after an opportunity for a fair hearing, subject to such further review as may be appropriate under sections 8502(d) and 8503(b) of this title.

(b) An amount repaid under subsection (a) of this section shall be --

(1) deposited in the fund from which payment was made if the repayment was to a State agency; or

(2) returned to the Treasury of the United States and credited to the current applicable appropriation, fund, or account from which payment was made, if the repayment was to the Secretary.

Section 8508. Regulations.

The Secretary of Labor may prescribe rules and regulations necessary to carry out this subchapter and subchapter II of this Chapter. The Secretary, insofar as practicable, shall consult with representatives of the State unemployment compensation agencies before prescribing rules or regulations which may affect

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the performance by the State agencies of functions under agreements under this subchapter.

Section 8509. Federal Employees Compensation Account.

(a) The Federal Employees Compensation Account (as established by section 909 of the Social Security Act, and hereafter in this section referred to as the "Account") in the Unemployment Trust Fund (as established by section 904 of such Act) shall consist of-

- (1) funds appropriated to or transferred thereto, and
- (2) amounts deposited therein pursuant to subsection (c).

(b) Moneys in the Account shall be available only for the purpose of making payments to States pursuant to agreements entered into under this chapter and making payments of compensation under this chapter in States which do not have in effect such an agreement.

(c)(1) Each employing agency shall deposit into the Account amounts equal to the expenditures incurred under this subchapter on account of Federal service performed by employees and former employees of that agency.

(2) Deposits required by paragraph (1) shall be made during each calendar quarter and the amount of the deposit to be made by any employing agency during any quarter shall be based on a determination by the Secretary of Labor as to the amounts of payments, made prior to such quarter from the Account based on Federal service performed by employees of such agency after December 31, 1980, with respect to which deposit has not previously been made. The amount to be deposited by any employing agency during any calendar quarter shall be adjusted to take account of any overpayment or underpayment of deposit during any previous quarter for which adjustment has not already been made.

(d) The Secretary of Labor shall certify to the Secretary of the Treasury the amount of the deposit which each employing agency is required to make to the Account during any calendar quarter, and the Secretary of the Treasury shall notify the Secretary of Labor as to the date and amount of any deposit made to such Account by any such agency.

(e) Prior to the beginning of each fiscal year (commencing with the fiscal year which begins October 1, 1981) the Secretary of Labor shall estimate -

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(1) the amount of expenditures which will be made from the Account during such year, and

(2) the amount of funds which will be available during such year for the making of such expenditures, and if, on the basis of such estimate, he determines that the account described in paragraph (2) is in excess of the amount necessary

(3) to meet the expenditures described in paragraph (1), and

(4) to provide a reasonable contingency fund so as to assure that there will, during all times in such year, be sufficient sums available in the Account to meet the expenditures described in paragraph (1), he shall certify the amount of such excess to the Secretary of the Treasury and the Secretary of the Treasury shall transfer, from the Account to the general fund of the Treasury, an amount equal to such excess.

(f) The Secretary of Labor is authorized to establish such rules and regulations as may be necessary or appropriate to carry out the provisions of this section.

(g) Any funds appropriated after the establishment of the Account, for the making of payments for which expenditures are authorized to be made from moneys in the Account, shall be made to the Account; and there are hereby authorized to be appropriated to the Account, from time to time, such sums as may be necessary to assure that there will, at all times, be sufficient sums available in the Account to meet the expenditures authorized to be made from moneys therein.

(h) For purposes of this section, the term "Federal service" includes Federal service as defined in section 8521(a).

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APPENDIX B - PART 609 - UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES

Subpart A--General Provision

§ 609.1 Purpose and application. [Click here for an online version!](#)

(a) **Purpose.** Subchapter I of chapter 85, title 5 of the United States Code, as amended by Pub. L. 94-566, 90 Stat. 2667, 5 U.S.C. 8501-8508, provides for a permanent program of unemployment compensation for unemployed Federal civilian employees. The unemployment compensation provided for in Subchapter I is hereinafter referred to as unemployment compensation for Federal employees, or UCFE. The regulations in this part are issued to implement the UCFE Program.

(b) **First rule of construction.** The Act and the implementing regulations in this part shall be construed liberally so as to carry out the purposes of the Act.

(c) **Second rule of construction.** The Act and the implementing regulations in this part shall be construed so as to assure insofar as possible the uniform interpretation and application of the Act throughout the United States.

(d) **Effectuating purpose and rules of construction.**

(1) In order to effectuate the provisions of this section, each State agency shall forward to the United States Department of Labor (hereafter Department), not later than 10 days after issuance, a copy of each judicial or administrative decision ruling on an individual's entitlement to payment of UCFE or to credit for a waiting period. On request of the Department, a State agency shall forward to the Department a copy of any determination or redetermination ruling on an individual's entitlement to UCFE or waiting period credit.

(2) If the Department believes that a determination, redetermination, or decision is inconsistent with the Department's interpretation of the Act or this part, the Department may at any time notify the State agency of the Department's view. Thereafter the State agency shall issue a redetermination or appeal if possible, and shall not follow such determination, redetermination, or decision as a precedent; and, in any subsequent proceedings which involve such determination, redetermination, or decision, or wherein such determination, redetermination, or decision is cited as precedent or otherwise relied upon, the State agency shall inform the claims deputy or hearing officer or court of the Department's view and shall make all

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reasonable efforts, including appeal or other proceedings in an appropriate forum, to obtain modification, limitation, or overruling of the determination, redetermination, or decision.

(3) If the Department believes that a determination, redetermination, or decision is patently and flagrantly violative of the Act or this part, the Department may at any time notify the State agency of the Department's view. If the determination, redetermination, or decision in question denies UCFE to a claimant, the steps outlined in paragraph (d)(2) of this section shall be followed by the State agency. If the determination, redetermination, or decision in question awards UCFE to a claimant, the benefits are "due" within the meaning of section 303(a)(1) of the Social Security Act, 42 U.S.C. 503(a)(1), and therefore must be paid promptly to the claimant. However, the State agency shall take the steps outlined in paragraph (d)(2) of this section, and payments to the claimant may be temporarily delayed if redetermination or appeal action is taken not more than one business day following the day on which the first payment otherwise would be issued to the claimant; and the redetermination action is taken or appeal is filed to obtain a reversal of the award of UCFE and a ruling consistent with the Department's view; and the redetermination action or appeal seeks an expedited redetermination or appeal within not more than two weeks after the redetermination action is taken or the appeal is filed. If redetermination action is not taken or appeal is not filed within the above time limit, or a redetermination or decision is not obtained within the two-week limit, or any redetermination or decision or order is issued which affirms the determination, redetermination, or decision awarding UCFE or allows it to stand in whole or in part, the benefits awarded must be paid promptly to the claimant.

(4)(i) If any determination, redetermination, or decision, referred to in paragraph (d)(2) or paragraph (d)(3) of this section, is treated as a precedent for any future UCFE claim or claim under the UCX Program (Part 614 of this chapter), the Secretary will decide whether the Agreement with the State entered into under the Act shall be terminated.

(ii) In the case of any determination, redetermination, or decision that is not legally warranted under the Act or this Part, including any determination, redetermination, or decision referred to in paragraph (d)(3) of this section, the Secretary will decide whether the State shall be required to restore the funds of the United States for any sums paid under such a determination, redetermination, or decision, and whether, in the absence of such restoration, the Agreement with the State shall be terminated and whether other action shall be taken to recover such sums for the United States.

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(5) A State agency may request reconsideration of a notice issued pursuant to paragraph (d)(2) of paragraph (d)(3) of this section, and shall be given an opportunity to present views and arguments if desired.

(6) Concurrence of the Department in a determination, redetermination, or decision shall not be presumed from the absence of a notice issued pursuant to this section.

§ 609.2 Definitions of term.

For the purposes of the Act and this part:

(a) Act means subchapter I of chapter 85, title 5, United States Code, 5 U.S.C. 8501-8508.

(b) Agreement means the agreement entered into pursuant to the Act between a State and the Secretary under which the State agency of the State agrees to make payments of unemployment compensation in accordance with the Act and the regulations and procedures thereunder prescribed by the Department.

(c) Based period means the base period as defined by the applicable State law for the benefit year.

(d) Benefit year means the benefit year as defined by the applicable State law, and if not so defined the term means the period prescribed in the agreement with the State or, in the absence of an Agreement, the period described by the Department.

(e) Federal agency means any department, agency, or governmental body of the United States, including any instrumentality wholly or partially owned by the United States, in any branch of the Government of the United States, which employs any individual in Federal civilian service.

(f) Federal civilian service means service performed in the employ of any Federal agency, except service performed-

(1) By an elective official in the executive or legislative branches of the Government of the United States;

(2) As a member of the Armed Forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;

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(3) By Foreign Service personnel for whom special separation allowances are provided under chapter 14 of title 22 of the United States Code;

(4) Outside the 50 States, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia by an individual who is not a citizen of the United States;

(5) By an individual excluded by regulations of the Office of Personnel Management from civil service retirement coverage provided by Subchapter III of chapter 83 of title 5 of the United States Code because the individual is paid on a contract or fee basis;

(6) By an individual receiving nominal pay and allowances of \$12 or less a year;

(7) In a hospital, home, or other institution of the United States by a patient or inmate thereof;

(8) By a student-employee as defined by 5 U.S.C. 5351; that is: (i) A student nurse, medical or dental intern, resident-in-training, student dietitian, student physical therapist, or student occupational therapist, assigned or attached to a hospital, clinic, or medical or dental laboratory operated by an agency as defined in section 5351; or (ii) Any other student-employee, assigned or attached primarily for training purposes to such a hospital, clinic, or medical or dental laboratory operated by such an agency, who is designated by the head of the agency with the approval of the Office of Personnel Management;

(9) By an individual serving on a temporary basis in case of fire, storm earthquake, flood, or other similar emergency;

(10) By an individual employed under a Federal relief program to relieve the individual from unemployment;

(11) As a member of a State, county, or community committee under the Agricultural Stabilization and Conservation Service or of any other board, council, committee, or other similar body, unless such body is composed exclusively of individuals otherwise in the full-time employ of the United States;

(12) By an officer or member of the crew on or in connection with an American vessel which is:

(i) Owned by or bareboat chartered to the United States, and

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(ii) The business of which is conducted by a general agent of the Secretary of Commerce; and

(iii) If contributions on account of such service are required under section 3305(g) of the Internal Revenue Code of 1954 (26 U.S.C. 3305(g)) to be made to an unemployment fund under a State law;

(13) By an individual excluded by any other Federal law from coverage under the UCFE Program; or

(14) By an individual whose service is covered by the UCX Program to which Part 614 of this chapter applies.

(g) Federal employee means an individual who has performed Federal civilian service.

(h) Federal findings means the facts reported by a Federal agency pertaining to an individual as to:

(1) Whether or not the individual has performed Federal civilian service for such an agency;

(2) The period or periods of such Federal civilian service;

(3) The individual's Federal wages; and

(4) The reasons for termination of the individual's Federal civilian service.

(i) Federal wages means all pay and allowances, in cash and in kind, for Federal civilian service.

(j) First claim means an initial claim for unemployment compensation under the UCFE Program, the UCX Program (Part 614 of this chapter), a State law, or some combination thereof, whereby a benefit year is established under an applicable State law.

(k) Official station means the State (or country, if outside the United States) designated on a Federal employee's notification of personnel action terminating the individual's Federal civilian service (Standard Form 50 or its equivalent) as the individual's "duty station." If the form of notification does not specify the Federal employee's "duty station", the individual's official station shall be the State or country designated under "name and location of employing office" on such form or designated as the individual's place of employment on an equivalent form.

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(l) Secretary means the Secretary of Labor of the United States.

(m) State means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(n) State agency means the agency of the State which administers the applicable State law and is administering the UCFE Program in the State pursuant to an Agreement with the Secretary.

(o) (1) State Law means the unemployment compensation law of a State approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, 26 U.S.C. 3304 if the State is certified under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c).

(2) Applicable State law means the State law made applicable to a UCFE claimant by § 609.8.

(p) (1) Unemployment compensation means cash benefits (including dependents' allowances) payable to individuals with respect to their unemployment, and includes regular, additional, emergency, and extended compensation.

(2) Regular compensation means unemployment compensation payable to an individual under any State law, but not including additional compensation or extended compensation.

(3) Additional compensation means unemployment compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

(4) Emergency compensation means supplementary unemployment compensation payable under a temporary Federal law after exhaustion of regular and extended compensation.

(5) Extended compensate means unemployment compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, 26 U.S.C. 3304 note, and Part 615 of this chapter, with respect to the payment of extended compensation.

(q) Week means, for purposes of eligibility for and payment of UCFE, a week as defined in the applicable State law.



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(r) Week of unemployment means a week of total, part-total, or partial unemployment as defined in the applicable State law, which shall be applied in the same manner and to the same extent to all employment and earnings, and in the same manner and to the same extent for the purposes of the UCFE Program, as if the individual filing for UCFE were filing a claim for State unemployment compensation.

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Subpart B--Administration of UCFE Program

§ 609.3 Eligibility requirements for UCFE.

An individual shall be eligible to receive a payment of UCFE or to waiting period credit with respect to a week of unemployment if:

(a) The individual has Federal civilian service and Federal wages in the base period under the applicable State law;

(b) The individual meets the qualifying employment and wage requirements of the applicable State law, either on the basis of Federal civilian service and Federal wages alone or in combination with service and wages covered under a State law or under the UCX Program (Part 614 of this chapter);

(c) The individual has filed an initial claim for UCFE and, as appropriate, has filed a timely claim for waiting period credit or a payment of UCFE with respect to that week of unemployment; and

(d) The individual is totally, part-totally, or partially unemployed, and is able to work, available for work, and seeking work within the meaning of or as required by the applicable State law, and is not subject to disqualification under this Part or the applicable State law, with respect to that week of unemployment.

609.4 Weekly and maximum benefit amounts.

(a) Total unemployment. The weekly amount of UCFE payable to an eligible individual for a week of total unemployment shall be the amount that would be payable to the individual as unemployment compensation for a week of total unemployment as determined under the applicable State law.

(b) Partial and part-total unemployment. The weekly amount of UCFE payable for a week of partial or part-total unemployment shall be the amount that would be payable to the individual as unemployment compensation for a week of partial or part-total unemployment as determined under the applicable State law.

(c) Maximum amount. The maximum amount of UCFE which shall be payable to an eligible individual during and subsequent to the individual's benefit year shall be the maximum amount of all unemployment compensation that would be payable to the individual as determined under the applicable State law.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(d) Computation rules. (1) The weekly and maximum amounts of UCFE payable to an individual under the UCFE Program shall be determined under the applicable State law to be in the same amount, on the same terms, and subject to the same conditions as the State unemployment compensation which would be payable to the individual under the applicable State law if the individual's Federal civilian service and Federal wages assigned or transferred under this Part to the State had been included as employment and wages covered by that State law.

(2) All Federal civilian service and Federal wages for all Federal agencies shall be considered employment with a single employer for purposes of the UCFE Program.

§ 609.5 Claims for UCFE.

(a) First claim. A first claim for UCFE shall be filed by an individual in any State agency of any State (or Canada) according to the applicable State law, and on a form prescribed by the Department which shall be furnished to the individual by the State agency where the claim is filed.

(b) Weekly claims. Claims for waiting week credit and payments of UCFE for weeks of unemployment shall be filed in any State agency (or Canada) at the times and in the manner as claims for State unemployment compensation are filed under the applicable State law, and on forms prescribed by the Department which shall be furnished to the individual by the State agency where the claim is filed.

(c) Secretary's standard. The procedure for reporting and filing claims for UCFE and waiting period credit shall be consistent with this Part 609 and the Secretary's "Standard for Claim Filing, Claimant Reporting, Job Finding and Employment Services" ("Employment Security Manual, Part V, sections 5000 et seq.).

§ 609.6 Determination of entitlement; notices to individual.

(a) Determination of first claim. The State agency whose State law applies to an individual under § 609.8 shall, promptly upon the filing of a first claim for UCFE, determine whether the individual is eligible and whether a disqualification applies, and, if the individual is found to be eligible, the individual's benefit year and the weekly and maximum amounts of UCFE payable to the individual.

(b) Determinations of weekly claims. The State agency promptly shall, upon the filing of a claim for payment of UCFE or

UCFE INSTRUCTIONS FOR STATE AGENCIES

waiting period credit with respect to a week, determine whether the individual is entitled to a payment of UCFE or waiting period credit with respect to such week, and, if entitled, the amount of UCFE or waiting period credit to which the individual is entitled.

(c) Redetermination. The provisions of the applicable State law concerning the right to request, or authority to undertake, reconsideration of a determination pertaining to State unemployment compensation under the applicable State law shall apply to determinations pertaining to UCFE.

(d) Notices to individual. The State agency promptly shall give notice in writing to the individual of any determination or redetermination of a first claim, and, except as may be authorized under paragraph (g) of this section, of any determination or redetermination of any weekly claim which denies UCFE or waiting period credit or reduces the weekly amount or maximum amount initially determined to be payable. Each notice of determination or redetermination shall include such information regarding the determination or redetermination and notice of right to reconsideration or appeal, or both, as is furnished with written notices of determinations and redetermination with respect to claims for State unemployment compensation; and where information furnished by a Federal agency was considered in making the determination, or redetermination, the notice thereof shall include an explanation of the right of the individual to seek additional information pursuant to § 609.23 and/or a reconsideration of Federal findings pursuant to § 609.24.

(e) Obtaining information for claim determinations.

(1) Information required for the determination of claims for UCFE shall be obtained by the State agency from claimants, employers, and others, in the same manner as information is obtained for claim purposes under the applicable State law, but information (including additional and reconsidered Federal findings) shall be obtained from the Federal agency that employed the UCFE claimant as prescribed in §§ 609.21 through 609.25. On request by a UCFE claimant, the State agency shall seek additional information pursuant to § 609.23 and reconsideration of Federal findings pursuant to § 609.24.

(2) If Federal findings have not been received from a Federal agency within 12 days after the request for information was submitted to the Federal agency, the State agency shall determine the individual's entitlement to UCFE on the basis of an affidavit completed by the individual on a form prescribed by the Department. In addition, the individual shall submit for

UCFE INSTRUCTIONS FOR STATE AGENCIES

examination by the State agency any documents issued by the Federal agency (for example, Standard Form 50 or W-2) verifying that the individual performed services for and received wages from such Federal agency.

(3) If Federal findings received by a State agency after a determination has been made under this section contain information which would result in a change in the individual's eligibility for or entitlement to UCFE, the State agency promptly shall make a redetermination and notify the individual, as provided in this section. All payments of UCFE made prior to or after such redetermination shall be adjusted in accordance therewith.

(f) Promptness. Full payment of UCFE when due shall be consistent with this Part 609 and shall be made with the greatest promptness that is administratively feasible, but the provisions of Part 640 of this chapter (relating to promptness of benefit payments) shall not be applicable to the UCFE Program.

(g) Secretary's standard. The procedures for making determinations and redetermination, and furnishing written notices of determinations, redetermination, and rights of appeal to individuals applying for UCFE, shall be consistent with this Part 609 and with the Secretary's "Standard for Claim Determinations-Separation Information" (Employment Security Manual, Part V, sections 6010 et seq.).

609.7 Appeal and review.

(a) Applicable State Law. The provisions of the applicable State law concerning the right of appeal and fair hearing from a determination or redetermination of entitlement to State unemployment compensation shall apply to determinations and redetermination of eligibility for or entitlement to UCFE and waiting period credit. Any such determination or redetermination shall be subject to appeal and review only in the manner and to the extent provided in the applicable State law with respect to determinations and redeterminations of entitlement to State unemployment compensation.

(b) Rights of appeal and fair hearing. The provisions on right to appeal and opportunity for a fair hearing with respect to claims for UCFE shall be consistent with this Part and with sections 303(a)(1) and 303(a)(3) of the Social Security Act, 42 U.S.C. 503(a)(1) and 503(a)(3).

(c) Promptness on appeals.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(1) Decisions on appeals under the UCFE Program shall accord with the Secretary's "Standard for Appeals Promptness-Unemployment Compensation" in Part 650 of this chapter, and with §609.1(d).

(2) Any provision of an applicable State law for advancement or priority of unemployment compensation cases on judicial calendars, or otherwise intended to provide for the prompt payment of unemployment compensation when due, shall apply to proceedings involving claims for UCFE.

(d) Appeal and review by Federal agency. If a Federal agency believes that a State agency's determination or redetermination of an individual's eligibility for or entitlement to UCFE is incorrect, the Federal agency may seek appeal and review of such determination or redetermination in the same manner as an interested employer may seek appeal and review under the applicable State law.

§609.8 The applicable State for an individual.

(a) The applicable State. The applicable State for an individual shall be the State to which the individual's Federal civilian service and Federal wages are assigned or transferred under this section. The applicable State law for the individual shall be the State law of such State.

(b) Assignment of service and wages.

(1) An individual's Federal civilian service and Federal wages shall be assigned to the State in which the individual had his or her last official station prior to filing a first claim unless:

(i) At the time a first claim is filed the individual resides in another State in which, after separation from Federal civilian service, the individual performed service covered under the State law, in which case all of the individual's Federal civilian service and wages shall be assigned to the latter State; or

(ii) Prior to filing a first claim an individual's last official station was outside the States, in which case all of the individual's Federal civilian service and Federal wages shall be assigned to the State in which the individual resides at the time the individual files a first claim, provided the individual is personally present in a State when the individual files the first claim.

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(2) Federal civilian service and wages assigned to a State in error shall be reassigned for use by the proper State agency. An appropriate record of a reassignment shall be made by the State agency which makes the reassignment.

(3) Federal civilian service and Federal wages assigned to a State shall be transferred to another State where such transfer is necessary for the purposes of a combined-wage claim filed by an individual.

(c) Assignment deemed complete. All of an individual's Federal civilian service and Federal wages shall be deemed to have been assigned to a State upon the filing of a first claim. Federal civilian service and Federal wages shall be assigned to a State only in accordance with paragraph (b) of this section.

(d) Use of assigned service and wages. All assigned Federal civilian service and Federal wages shall be used only by the State to which assigned or transferred in accordance with paragraph (b) of this section.

§ 609.9 Provisions of State law applicable to UCFE claims.

(a) Particular provisions applicable. Except where the result would be inconsistent with the provisions of the Act or this Part or the procedures thereunder prescribed by the Department, the terms and conditions of the applicable State law which apply to claims for, and the payment of, State unemployment compensation shall apply to claims for, and the payment of, UCFE and claims for waiting period credit. The provisions of the applicable State law which shall apply include, but are not limited to:

- (1) Claim filing and reporting;
- (2) Information to individuals, as appropriate;
- (3) Notices to individuals and Federal agencies, as appropriate, including notice to each individual of each determination and redetermination of eligibility for or entitlement to UCFE;
- (4) Determinations and redeterminations;
- (5) Ability to work, availability for work, and search for work; and
- (6) Disqualifications.

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(b) IBPP. The Interstate Benefit Payment Plan shall apply, where appropriate, to individuals filing claims for UCFE.

(c) Wage combining. The State's provisions complying with the Interstate Arrangement for Combining Employment and Wages (Part 616 of this chapter) shall apply, where appropriate, to individuals filing claims for UCFE.

(d) Procedural requirements. The provisions of the applicable State law which apply hereunder to claims for and the payment of UCFE shall be applied consistently with the requirements of Title III of the Social Security Act and the Federal Unemployment Tax Act which are pertinent in the case of State unemployment compensation, including but not limited to those standards and requirements specifically referred to in the provisions of this part, except as provided in paragraph (f) of § 609.6.

§609.10 Restrictions on Entitlement.

(a) Disqualification. If the week of unemployment for which an individual claims UCFE is a week to which a disqualification for State unemployment compensation applies under the applicable State law, or would apply but for the fact that the individual has no right to such compensation, the individual shall not be entitled to a payment of UCFE for that week.

(b) Allocation of terminal annual leave payments. Lump-sum terminal annual leave payments shall not be allocated by a Federal agency and shall be allocated by a State agency in the same manner as similar payments to individuals employed by private employers are allocated under the applicable State law. In a State in which a private employer has an option as to the period to which such payments shall be allocated, such payments shall be allocated to the date of separation from employment.

§ 609.11 Overpayments; penalties for fraud.

(a) False statements and representations. Section 8507(a) of the Act provides that if a State agency, the Department, or a court of competent jurisdiction finds that an individual--

(1) Knowingly has made, or caused to be made by another, a false statement or representation of a material fact, or knowingly has failed, or caused another to fail, to disclose a material fact; and

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(2) As a result of that action has received an amount as UCFE to which the individual was not entitled; the individual shall repay the amount to the State agency or the Department. Instead of requiring repayments, the State agency or the Department may recover the amount by deductions from UCFE payable to the individual during the 2-year period after the date of the finding. A finding by a State agency or the Department may be made only after an opportunity for a fair hearing, subject to such further review as may be appropriate under § 609.7.

(b) Prosecution for fraud. Section 1919 of title 18, United States Code, provides that whoever makes a false statement or representation of a material fact knowing it to be false, or knowingly fails to disclose a material fact, to obtain or increase for himself or for any other individual any payment authorized to be paid under chapter 85 of title 5, United States Code, or under an agreement thereunder, shall be fined not more than \$1,000 or imprisoned not more than one year, or both.

(c) Absence of fraud. If a State agency or court of competent jurisdiction finds that an individual has received a payment of UCFE to which the individual was not entitled under the Act and this part, which was not due to a false statement or representation as provided in paragraph (a) or (b) of this section, the individual shall be liable to repay to the applicable State the total sum of the payment to which the individual was not entitled, and the State agency shall take all reasonable measures authorized under any State law or Federal law to recover for the account of the United States the total sum of the payment to which the individual was not entitled.

(d) Recovery by offset.

(1) The State agency shall recover, insofar as is possible, the amount of any overpayment which is not repaid by the individual, by deductions from any UCFE payable to the individual under the Act and this Part, or from any unemployment compensation payable to the individual under any Federal unemployment compensation law administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency.

(2) A State agency shall also recover, insofar as is possible, the amount of any overpayment of UCFE made to the individual by another State, by deductions from any UCFE payable by the State agency to the individual under the Act and this Part, or from any unemployment compensation payable to the individual under any Federal unemployment compensation law

UCFE INSTRUCTIONS FOR STATE AGENCIES

administered by the State agency, or from any assistance or allowance payable to the individual with respect to unemployment under any other Federal law administered by the State agency.

(3) Recoupment of fraudulent overpayment referred to in paragraph (a) of this section shall be limited to the 2-year period stated in that paragraph. Recoupment of fraudulent overpayment referred to in paragraph (b) of this section, and nonfraudulent overpayment referred to in paragraph (c) of this section shall be subject to any time limitation on recoupment provided for in the State law that applies to the case.

(e) Debts due the United States. UCFE payable to an individual shall be applied by the State agency for the recovery by offset of any debt due to the United States from the individual but shall not be applied or used by the State agency in any manner for the payment of any debt of the individual to any State or any other entity or person except pursuant to a court order for child support or alimony in accordance with the law of the State and Section 459 of the Social Security Act, 42 U.S.C. 659.

(f) Application of State law.

(1) Except as indicated in paragraph (a) of this section, any provision of State law that may be applied for the recovery of overpayment or prosecution for fraud, and any provision of State law authorizing waiver of recovery of overpayment of unemployment compensation, shall be applicable to UCFE.

(2) In the case of any finding of false statement or representation under the Act and paragraph (a) of this section, or prosecution for fraud under 18 U.S.C. 1919 or pursuant to paragraph (f)(1) of this section, the individual shall be disqualified or penalized in accordance with the provisions of the applicable State law relating to fraud in connection with a claim for State unemployment compensation.

(g) Final decision. Recovery of any overpayment of UCFE shall not be enforced by the State agency until the determination or redetermination establishing the overpayment has become final, or if appeal is taken from the determination or redetermination, until the decision after opportunity for a fair hearing has become final.

(h) Procedural requirements.

(1) The provisions of paragraphs (c), (d), and (g) of § 609.6 shall apply to determinations and redetermination made pursuant to this section.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(2) The provisions of § 609.7 shall apply to determinations and redetermination made pursuant to this section.

(i) Fraud detection and prevention. Provisions in the procedures of each State with respect to detection and prevention of fraudulent overpayment of UCFE shall be, as a minimum, commensurate with the procedures adopted by the State with respect to State unemployment compensation and consistent with the Secretary's "Standard for Fraud and Overpayment Detection" (Employment Security Manual, Part V, section 7510 et seq.).

(j) Recovered overpayment. An amount repaid or recouped under this section shall be-

(1) Deposited in the fund from which payment was made, if the repayment was to a State agency; or

(2) Returned to the Treasury of the United States and credited to the current applicable appropriation, fund, or account from which payment was made, if the repayment was to the Department.

§609.12 Inviolate right to UCFE.

Except as specifically provided in this part, the rights of individuals to UCFE shall be protected in the same manner and to the same extent as the rights of persons to State unemployment compensation are protected under the applicable State law. Such measures shall include protection of applicants for UCFE from waiver, release, assignment, pledge, encumbrance, levy, execution, attachment, and garnishment of their rights to UCFE, except as provided in § 609.11. In the same manner and to the same extent, individuals shall be protected from discrimination and obstruction in regard to seeking, applying for, and receiving any right to UCFE.

§ 609.13 Recordkeeping; disclosure of information.

(a) Recordkeeping. Each State agency will make and maintain records pertaining to the administration of the UCFE Program as the Department requires, and will make all such records available for inspection, examination, and audit by such Federal officials or employees as the Department may designate or as may be required by law.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(b) **Disclosure of Information.** Information in records maintained by a State agency in administering the UCFE Program shall be kept confidential, and information in such records may be disclosed only in the same manner and to the same extent as information with respect to State unemployment compensation and the entitlement of individuals thereto may be disclosed under the applicable State law. This provision on the confidentiality of information maintained in the administration of the UCFE Program shall not apply, however, to the Department or for the purposes of §§ 609.11 or 609.13, or in the case of information, reports and studies required pursuant to §§609.17 or 609.25, or where the result would be inconsistent with the Freedom of Information Act (5 U.S.C. 552), the Privacy Act of 1974 (5 U.S.C. 552a), or regulations of the Department promulgated thereunder.

§609.14 Payments to States.

(a) **State entitlement.** Each State is entitled to be paid by the United States with respect to each individual whose base period wages included Federal wages, an amount bearing the same ratio to the total amount of compensation paid to such individual as the amount of the individual's Federal wages in the individual's base period bears to the total amount of the individual's base period wages.

(b) **Payment.** Each State shall be paid, either in advance or by way of reimbursement, as may be determined by the Department, the sum that the Department estimates the State is entitled to receive under the Act and this Part for each calendar month. The sum shall be reduced or increased by the amount which the Department finds that its estimate for an earlier calendar month was greater or less than the sum which should have been paid to the State. An estimate may be made on the basis of a statistical sampling, or other method agreed on by the Department and the State agency.

(c) **Certification by the Department.** The Department, from time to time, shall certify to the Secretary of the Treasury the sum payable to each State under this section. The Secretary of the Treasury, before audit or settlement by the General Accounting office, shall pay the State in accordance with the certification from the funds for carrying out the purposes of the Act and this part.

(d) **Use of money.** Money paid a State under the Act and this Part may be used solely for the purposes for which it is paid. Money so paid which is not used solely for these purposes

UCFE INSTRUCTIONS FOR STATE AGENCIES

shall be returned, at the time specified the Agreement, to the Treasury of the United States and credited to the current applicable appropriation, fund, or account from which payments to States under the Act and this part may be made.

§ 609.15 Public access to Agreements.

The State agency of a State will make available to any individual or organization a true copy of the Agreement with the State for inspection and copying. Copies of an Agreement may be furnished on request to any individual or organization upon payment of the same charges, if any, as apply to the furnishing of copies of other records of the State agency.

§609.16 Administration in absence of an Agreement.

(a) Administering Program. The Department shall administer the UCFE Program through personnel of the Department or through other arrangements under procedures prescribed by the Department, in the case of any State which does not have an Agreement with the Secretary as provided for in 5 U.S.C. 8502. The procedures prescribed by the Department under this section shall be consistent with the Act and this part.

(b) Applicable State law. On the filing by an individual of a claim for UCFE in accordance with arrangements under this section, UCFE shall be paid to the individual, if eligible, in the same amount, on the same terms, and subject to the same conditions as would be paid to the individual under the applicable State law if the individual's Federal civilian service and Federal wages had been included as employment and wages under the State law. Any such claim shall include the individual's Federal civilian service and Federal wages, combined with any service and wages covered by State law. However, if the individual, without regard to his or her Federal civilian service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that State law, then payments of UCFE under this section may be made only on the basis of the individual's Federal civilian service and Federal wages.

(c) Final hearing. An individual whose claim for UCFE is denied under this section is entitled to a fair hearing under rules of procedure prescribed by the Department. A final determination by the Department with respect to entitlement to UCFE under this section is subject to review by the courts in the same manner and to the same extent as is provided by section 205(g) of the Social Security Act, 42 U.S.C. 405(g).

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§609.17 Information, reports, and studies.

State agencies shall furnish to the Department such information and reports and conduct such studies as the Department determines are necessary or appropriate for carrying out the purposes of the UCFE Program.

Subpart C - Responsibilities of Federal Agencies

§ 609.20 Information to Federal civilian employees.

Each Federal agency shall:

(a) Furnish information to its employees as to their rights and responsibilities under the UCFE Program and 18 U.S.C. 1919; and

(b) Furnish a completed copy of a form approved by the Department, "Notice to Federal Employee About Unemployment Compensation," in accordance with instructions thereon, to each employee at the time of separation from Federal civilian service, when transferred from one payroll office to another, or when the office responsible for distribution of the form is advised that an individual is in nonpay status for seven consecutive days or more.

§ 609.21 Findings of Federal agency.

(a) Answering request. Within four workdays after receipt from a State agency of a request for Federal findings on a form furnished by the State agency, and prescribed by the Department, a Federal agency shall make such Federal findings, complete all copies of the form, and transmit the completed copies to the State agency. If documents necessary for completion of the form have been assigned to an agency records center or the Federal Records Center in St. Louis, the Federal agency shall obtain the necessary information from the records center. Any records center shall give priority to such a request.

(b) Failure to meet time limit. If a completed form containing the Federal agency's findings cannot be returned within four workdays of receipt, the Federal agency immediately shall inform the State agency, and shall include an estimated date by which the completed form will be returned.

(c) Administrative control. Each Federal agency shall maintain a control of all requests for Federal findings received by it, and the Federal agency's response to each request. The

UCFE INSTRUCTIONS FOR STATE AGENCIES

records shall be maintained so as to enable the Federal agency to ascertain at any time the number of such forms that have not been returned to State agencies, and the dates of the Federal agency's receipt of such unreturned forms.

§ 609.22 Correcting Federal findings.

If a Federal agency ascertains at any time within one year after it has returned a completed form reporting its findings, that any of its findings were erroneous, it shall promptly correct its error and forward its corrected findings to the State agency.

§609.23 Furnishing additional information.

On receipt of a request for additional information from a State agency, a Federal agency shall consider the information it supplied initially in connection with such request and shall review its findings. The Federal agency promptly shall forward to the State agency such additional findings as will respond to the request. The Federal agency shall, if possible, respond within four workdays after the receipt of a request under this section.

§609.24 Reconsideration of Federal findings.

On receipt of a request for reconsideration of Federal findings from a State agency, the Federal agency shall consider the initial information supplied in connection with such request and shall review its findings. The Federal agency shall correct any errors or omissions in its findings and shall affirm, modify, or reverse any or all of its findings in writing. The Federal agency promptly shall forward its reconsidered findings to the requesting authority. The Federal agency shall, if possible, respond within four workdays after the receipt of a request under this section.

609.25 Furnishing other information.

(a) Additional Information. In addition to the information required by §§ 609.21, 609.22, 609.23, and 609.24, a Federal agency shall furnish to a State agency or the Department within the time requested, any information which it is not otherwise prohibited from releasing by law, which the Department determines is necessary for the administration of the UCFE Program.

UCFE INSTRUCTIONS FOR STATE AGENCIES

(b) Reports. Federal agencies shall furnish to the Department or State agencies such reports containing such information as the Department determines are necessary or appropriate for carrying out the purposes of the UCFE Program.

§ 609.26 Liaison with Department.

To facilitate the Department's administration of the UCFE Program, each Federal agency shall designate one or more of its officials to be the liaison with the Department. Each Federal agency will inform the Department of its designation(s) and of any change in a designation.

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

U.S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION
	UI
	CORRESPONDENCE SYMBOL
	TEUMI
DATE	
April 21, 1992	

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-92

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

**FROM : *Donald J. Kulick*
DONALD J. KULICK
Administrator
for Regional Management**

SUBJECT : Unemployment Compensation for Federal Employees (UCFE)--Coverage Ruling for Employees and Members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees

1. Purpose. To inform State Employment Security Agencies (SESAs) of a recent UCFE program coverage ruling relating to employees and members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees.

2. References. 5 U.S.C. 8501(1); ET Handbook No. 391; and ETO No. 2-92, dated March 20, 1992.

3. Background. Several inquiries have been made to the National Office concerning whether employees and members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees perform "Federal service" for UCFE program purposes. This recent coverage ruling updates a 1957 coverage ruling concerning boards and committees established under the Agricultural Marketing Agreement Act of 1937, as amended.

The Secretary of Labor is responsible for interpreting whether claimants perform "Federal service" (civilian) as defined in 5 U.S.C. 8501(1) for UCFE program purposes. ETO No. 2-92 delegates this authority and assignment of responsibility for making rulings of "Federal service" to the Director, Unemployment Insurance Service (UIS). SESAs are required to follow the UCFE coverage rulings issued by the Department.

REVISIONS	EXPIRATION DATE
	April 30, 1992

DISTRIBUTION

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

Attachment to UIPL No. 23-92

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue NW
Washington, DC 20210



UCFE Program Coverage Ruling No. 92-1

**Agricultural Promotion Boards and Marketing Agreement
and Order Administrative Committees**

Ruling: Each of the below listed boards and committees is an "instrumentality of the United States" and services performed in the employ of all such boards and committees is "Federal service" within the meaning of 5 U.S.C. 8501(1): the National Dairy Promotion and Research Board (7 U.S.C. 4501-4513; 7 CFR Part 1150), the Honey Board (7 U.S.C. 4601-4612; 7 CFR Part 1240), the National Potato Promotion Board (7 U.S.C. 2611-2627; 7 CFR Part 1207), the Cotton Board (7 U.S.C. 2101-2118; 7 CFR Part 1205), the National Pork Board (7 U.S.C. 4801-4819; 7 CFR Part 1250), the Cattlemen's Beef Promotion and Research Board (7 U.S.C. 2901-2911; 7 CFR Part 1260), the Egg Board (7 U.S.C. 2701-2718; 7 CFR Part 1250) and 44 marketing agreement and order administrative committees (see enclosed list) established under 7 U.S.C. 601-674 (7 CFR Parts 905-998). Members of such boards and committees who are appointed by the Secretary of Agriculture are excluded from program coverage by 5 U.S.C. 8501(1)(K).

Prior Ruling: A ruling on UCFE program coverage of marketing agreement and order administrative committees was issued on June 20, 1957. This 1992 ruling supersedes the 1957 ruling and is now controlling for UCFE program coverage purposes of these agricultural promotion boards and marketing agreement and order administrative committees. No subsequent amendments to title 7 of the United States Code have altered the nature or characteristics of these boards and committees upon which our ruling was based. Nor have there been any amendments to 5 U.S.C. 8501(1) which are relevant to the coverage of such boards and committees. The addition of Section 8509 by Section 1023(b) of the Omnibus Reconciliation Act of 1980 (P.L. 96-499) did not affect coverage of the UCFE program.

Statement of Facts: In holding that employees of such committees perform "Federal service," I have relied on the following factors:

1. The primary function of these committees is to act as agents for the Secretary of Agriculture in carrying out the policy declared by Congress at 7 U.S.C. 602.

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 2 -

4. Ruling. On March 24, 1992, the Director, Unemployment Insurance Service, determined that employees of the Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees perform "Federal service" within the meaning of 5 U.S.C. 8501(1). However, members of these boards and committees are excluded from UCFE coverage by 5 U.S.C. 8501(1)(K).

5. Action Required. SESAs should:

a. Distribute the attached UCFE program coverage ruling to all staff responsible for UCFE claims processing.

b. Follow the attached ruling in all cases involving claims filed by employees and members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees.

6. Inquiries. Direct questions to the appropriate Regional Office.

7. Attachment. UCFE Program Coverage Ruling No. 92-1 for Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees.

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 2 -

2. Such committees have the authority to appoint employees, agents, and representatives, and to determine the salaries and duties of such individuals.

3. The members of such committees, as well as employees and agents, are subject to removal by the Secretary of Agriculture.

4. Every act of such committees is subject to approval by the Secretary of Agriculture.

5. On November 29, 1945, the Internal Revenue Service ruled that services performed in the employ of certain administrative committees established by the Secretary of Agriculture under the Agricultural Marketing Agreement Act were exempt from the provisions of the Federal Unemployment Tax Act by reason of the exclusion from the definition of "employment" in 26 U.S.C. 1607(c) (now, without relevant change, Section 3306(c)(6) of the Internal Revenue Code of 1986). Also, on October 15, 1952, the Director of the Bureau of Employees' Compensation (now the Office of Workers' Compensation Programs) ruled that personnel of the Federal Milk Market Administrators are "employees" within the meaning of the Federal Employees' Compensation Act.

6. Such committees are authorized to incur such expenses as the Secretary of Agriculture finds reasonable.

7. The funds to cover the expenses of such committees are raised by assessments, paid to the committees by the covered industries and enforceable by the Secretary of Agriculture in the District Courts of the United States.

8. The decision in United States v. Levine, 129 F.2d 745 (2d Cir. 1942) found that a Market Administrator (established by order of the Secretary of Agriculture under the Agricultural Marketing Agreement Act) was an agency of the United States. Further, as recently as 1984, the Supreme Court cited with approval the Levine opinion finding that a Market Administrator was an agency of the United States (Dixon v. United States, 104 S.Ct. 1172, 1179-1180 (1984)).

9. The Internal Revenue Service affirmed, in a letter from Jerry E. Holmes to Mary Ann Wyrsh, dated November 26, 1990, that there is no change in the positions taken in the above cited rulings.

Discussion/Analysis: With regard to the promotion boards, the purpose of these entities is to carry out coordinated programs of research and promotion designed to strengthen the competitive position of each covered commodity and to maintain and expand domestic and foreign markets for American producers of each such commodity (e.g., 7 U.S.C. 2101 with respect to the Cotton Board). Although the purpose and authorizing statutes of these

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 3 -

entities are different from the marketing committees, their manner of creation and method of operation are nearly identical.

As with the marketing committees, the promotion boards are created by order of the Secretary of Agriculture (e.g., 7 U.S.C. 2104 and 2106(a) with respect to the Cotton Board). Their members are selected by the Secretary of Agriculture (e.g., 7 U.S.C. 2106(b) and are subject to removal by the Secretary (e.g., 7 CFR 1205.323). The boards have authority to appoint employees and to determine the salaries and duties of such individuals (e.g., 7 CFR 1205.328(b)). The actions of these boards are subject to the approval of the Secretary of Agriculture (e.g., 7 U.S.C. 2106(c)). These boards are authorized to incur such expenses as the Secretary of Agriculture finds reasonable (e.g., 7 CFR 1205.330(a)). The funds to cover the expenses of these boards are raised by assessments paid to the boards by the covered industry and enforceable by the Secretary of Agriculture in the District Courts of the United States (e.g., 7 U.S.C. 2106(e) and 2112(b); 7 CFR 1205.515(d)).

In the Internal Revenue Service's letter of November 26, 1990, referenced above, the Department of Labor was informed that:

. . . it appears that an administrative committee established under the Agricultural Marketing Agreement Act of 1937 would qualify as a wholly owned instrumentality of the United States Government under current law. Under section 3306(c)(6) of the Internal Revenue Code of 1986 . . . , services performed in the employ of an instrumentality of the United States wholly or partially owned by the United States are excepted from the definition of employment for FUTA [Federal Unemployment Tax Act] purposes. If a committee is similar to the committee described in the 1945 ruling, it appears that the committee would constitute a wholly or partially owned instrumentality of the United States under section 3306(c)(6). . . . An examination of the relevant Code of Federal Regulations provisions discloses that organizations created under the Agricultural Marketing Agreement Act of 1937 are subject to the same overriding authority of the Secretary of Agriculture. In addition to the factors enumerated in the 1945 ruling, we note the extensive control over the assets of the committees that the Secretary of Agriculture may exercise under the applicable regulations. Therefore, . . . it appears that service performed in the employ of such committees are excepted from employment as service performed in the employ of an instrumentality of the United States Government. Thus, with regard to the conclusions in the 1945 ruling, our conclusion with respect to entities similar to the entity described in the ruling would appear to be that

UCPE INSTRUCTIONS FOR STATE AGENCIES


APPENDIX C - COVERAGE RULINGS

- 4 -

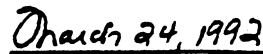
services for the entities would be excepted from employment by section 3306(c)(6) of the Internal Revenue Code as services performed for a wholly or partially owned instrumentality of the United States.

The reasons stated above support the conclusion stated in the first paragraph of this ruling that employees hired by the boards and committees (as distinguished from members) of all of the agricultural boards and committees referred to herein are covered by the UCPE program. The employing agency may not participate in the UCPE program for the board and committee members due to the exclusion at 5 U.S.C. 8501(l)(K).

This coverage ruling is issued pursuant to redelegation of authority from the Assistant Secretary of Labor, in Employment and Training Order No. 2-92, dated March 20, 1992, which is authorized by Section 6 of Secretary's Order No. 4-75 (40 Fed. Reg. 18515) (as amended by Secretary's Order No. 14-75).



MARY ANN WYRSCH
Director
Unemployment Insurance Service



DATE

UCPE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

List of 44 Agricultural Marketing
Agreement and Order Administrative Committees
As of March 1, 1991
(7 U.S.C. Parts 905-998)

- 905 Citrus Administrative Committee - Florida
- 906 Texas Valley Citrus Committee
- 907 Navel Orange Administrative Committee - California & Arizona
- 908 Valencia Orange Administrative Committee - California
and Arizona
- 910 Lemon Administrative Committee - California and Arizona
- 911 Florida Lime Administrative
- 915 Florida Avocado Administrative Committee
- 916 Nectarine Administrative Committee - California
- 917 Control Committee - California
 - Pear Commodity Committee
 - Plum Commodity Committee
 - Peach Commodity Committee
- 918 Georgia Peach Industry Committee
- 919 Colorado Peach Administrative Committee
- 920 Kiwifruit Administrative Committee - California
- 921 Washington Fresh Peach Marketing Committee
- 922 Washington Apricot Marketing Committee
- 923 Washington Cherry Marketing Committee
- 924 Washington-Oregon Fresh Prune Marketing Committee
- 925 California Desert Grape Administrative Committee
- 926 Tokay Grape Industry Committee - California
- 927 Winter Pear Control Committee - Oregon, Washington,
and California
- 928 Papaya Administrative Committee - Hawaii
- 929 Cranberry Marketing Committee - Massachusetts, Rhode Island,
Connecticut, New Jersey, Wisconsin, Michigan, Oregon,
Minnesota, Washington, and Long Island, New York
- 931 Northwest Fresh Bartlett Marketing Committee - Oregon
and Washington
- 932 California Olive Committee
- 945 Idaho Eastern Oregon Potato Committee
- 946 State of Washington Potato Committee
- 947 Oregon-California Potato Committee
- 948 Colorado Potato Administrative Committee
- 950 Maine Potato Committee (currently inactive)
- 953 Southeastern Potato Committee - Virginia and North Carolina
- 955 Vidalia Onion Committee - Georgia
- 958 Idaho-Eastern Oregon Onion Committee
- 959 South Texas Onion Committee
- 965 Texas Valley Tomato Committee
- 966 Florida Tomato Committee
- 967 Florida Celery Committee
- 971 South Texas Lettuce Committee
- 979 South Texas Melon Committee
- 981 Almond Board of California
- 982 Filbert/Hazelnut Marketing Board - Oregon and Washington
- 984 Walnut Marketing Board - California
- 985 Far West Spearmint Oil Administrative Committee
- 987 California Date Administrative Committee
- 989 Raisin Administrative Committee - California
- 993 Prune Marketing Committee California
- 996 Peanut Administrative Committee - Georgia

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION
	UCFE
	COMMUNICATIONS SYMBOL
	TEUMI
	DATE
	May 20, 1993

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-92, Change 1

TO: : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM: : *Richard J. Farmer*
SARAH ANN FARMER
Administrator
for Regional Management

SUBJECT : Unemployment Compensation for Federal Employees (UCFE)--Coverage Ruling for Employees and Members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees

1. **Purpose.** To ensure that a UCFE program coverage ruling, dated March 24, 1992, relating to employees and members of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees is distributed to State agency tax and appellate staff.
2. **Reference.** UIPL No. 23-92, dated April 21, 1992.
3. **Background.** The routing instructions in the above referenced UIPL issued last year did not include State agency tax and appellate staff. This has created some confusion relating to State coverage provisions and FUTA tax liability of these boards and committees. It has been ruled that the employees (not members) of these boards and committees are Federal employees and perform "Federal service" for UCFE program purposes. These boards and committees are wholly owned instrumentalities of the United States and, therefore, are exempt from FUTA under Section 3306(c)(6) of the Internal Revenue Code of 1986.
4. **Action Required.** SESA administrators are requested to distribute this ruling immediately to the appropriate State agency staff responsible for UCFE, tax, and appellate operations.
5. **Inquiries.** Questions should be directed to the appropriate Regional Office.
6. **Attachment.** UCFE Program Coverage Ruling No. 92-1 for Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees.

RESCISSIONS	EXPIRATION DATE
None	April 30, 1994

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

Attachment to UIPL No. 25-92,
Change 1

U.S. Department of Labor

Employment and Training Administration
200 Constitution Avenue NW
Washington DC 20210



UCFE Program Coverage Ruling No. 92-1

Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees

Ruling: Each of the below listed boards and committees is an "instrumentality of the United States" and services performed in the employ of all such boards and committees is "Federal service" within the meaning of 5 U.S.C. 8501(1): the National Dairy Promotion and Research Board (7 U.S.C. 4501-4513; 7 CFR Part 1150), the Honey Board (7 U.S.C. 4601-4612; 7 CFR Part 1240), the National Potato Promotion Board (7 U.S.C. 2611-2627; 7 CFR Part 1207), the Cotton Board (7 U.S.C. 2101-2118; 7 CFR Part 1205), the National Pork Board (7 U.S.C. 4801-4819; 7 CFR Part 1250), the Cattlemen's Beef Promotion and Research Board (7 U.S.C. 2901-2911; 7 CFR Part 1260), the Egg Board (7 U.S.C. 2701-2718; 7 CFR Part 1250) and 44 marketing agreement and order administrative committees (see enclosed list) established under 7 U.S.C. 601-674 (7 CFR Parts 905-998). Members of such boards and committees who are appointed by the Secretary of Agriculture are excluded from program coverage by 5 U.S.C. 8501(1)(K).

Prior Rulings: A ruling on UCFE program coverage of marketing agreement and order administrative committees was issued on June 20, 1957. This 1992 ruling supersedes the 1957 ruling and is now controlling for UCFE program coverage purposes of these agricultural promotion boards and marketing agreement and order administrative committees. No subsequent amendments to title 7 of the United States Code have altered the nature or characteristics of these boards and committees upon which our ruling was based. Nor have there been any amendments to 5 U.S.C. 8501(1) which are relevant to the coverage of such boards and committees. The addition of Section 8509 by Section 1023(b) of the Omnibus Reconciliation Act of 1980 (P.L. 96-499) did not affect coverage of the UCFE program.

Statement of Facts: In holding that employees of such committees perform "Federal service," I have relied on the following factors:

1. The primary function of these committees is to act as agents for the Secretary of Agriculture in carrying out the policy declared by Congress at 7 U.S.C. 602.

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 2 -

2. Such committees have the authority to appoint employees, agents, and representatives, and to determine the salaries and duties of such individuals.

3. The members of such committees, as well as employees and agents, are subject to removal by the Secretary of Agriculture.

4. Every act of such committees is subject to approval by the Secretary of Agriculture.

5. On November 29, 1945, the Internal Revenue Service ruled that services performed in the employ of certain administrative committees established by the Secretary of Agriculture under the Agricultural Marketing Agreement Act were exempt from the provisions of the Federal Unemployment Tax Act by reason of the exclusion from the definition of "employment" in 26 U.S.C. 1607(c) (now, without relevant change, Section 3306(c)(6) of the Internal Revenue Code of 1986). Also, on October 15, 1952, the Director of the Bureau of Employees' Compensation (now the Office of Workers' Compensation Programs) ruled that personnel of the Federal Milk Market Administrators are "employees" within the meaning of the Federal Employees' Compensation Act.

6. Such committees are authorized to incur such expenses as the Secretary of Agriculture finds reasonable.

7. The funds to cover the expenses of such committees are raised by assessments, paid to the committees by the covered industries and enforceable by the Secretary of Agriculture in the District Courts of the United States.

8. The decision in United States v. Levine, 129 F.2d 745 (2d Cir. 1942) found that a Market Administrator (established by order of the Secretary of Agriculture under the Agricultural Marketing Agreement Act) was an agency of the United States. Further, as recently as 1984, the Supreme Court cited with approval the Levine opinion finding that a Market Administrator was an agency of the United States (Dixon v. United States, 104 S.Ct. 1172, 1179-1180 (1984)).

9. The Internal Revenue Service affirmed, in a letter from Jerry E. Holmes to Mary Ann Wyrsh, dated November 26, 1990, that there is no change in the positions taken in the above cited rulings.

Discussion/Analysis: With regard to the promotion boards, the purpose of these entities is to carry out coordinated programs of research and promotion designed to strengthen the competitive position of each covered commodity and to maintain and expand domestic and foreign markets for American producers of each such commodity (e.g., 7 U.S.C. 2101 with respect to the Cotton Board). Although the purpose and authorizing statutes of these

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 3 -

entities are different from the marketing committees, their manner of creation and method of operation are nearly identical.

As with the marketing committees, the promotion boards are created by order of the Secretary of Agriculture (e.g., 7 U.S.C. 2104 and 2106(a) with respect to the Cotton Board). Their members are selected by the Secretary of Agriculture (e.g., 7 U.S.C. 2106(b) and are subject to removal by the Secretary (e.g., 7 CFR 1205.323). The boards have authority to appoint employees and to determine the salaries and duties of such individuals (e.g., 7 CFR 1205.328(b)). The actions of these boards are subject to the approval of the Secretary of Agriculture (e.g., 7 U.S.C. 2106(c)). These boards are authorized to incur such expenses as the Secretary of Agriculture finds reasonable (e.g., 7 CFR 1205.330(a)). The funds to cover the expenses of these boards are raised by assessments paid to the boards by the covered industry and enforceable by the Secretary of Agriculture in the District Courts of the United States (e.g., 7 U.S.C. 2106(e) and 2112(b); 7 CFR 1205.515(d)).

In the Internal Revenue Service's letter of November 26, 1990, referenced above, the Department of Labor was informed that:

. . . it appears that an administrative committee established under the Agricultural Marketing Agreement Act of 1937 would qualify as a wholly owned instrumentality of the United States Government under current law. Under section 3306(c)(6) of the Internal Revenue Code of 1986 . . . , services performed in the employ of an instrumentality of the United States wholly or partially owned by the United States are excepted from the definition of employment for FUTA [Federal Unemployment Tax Act] purposes. If a committee is similar to the committee described in the 1945 ruling, it appears that the committee would constitute a wholly or partially owned instrumentality of the United States under section 3306(c)(6). . . . An examination of the relevant Code of Federal Regulations provisions discloses that organizations created under the Agricultural Marketing Agreement Act of 1937 are subject to the same overriding authority of the Secretary of Agriculture. In addition to the factors enumerated in the 1945 ruling, we note the extensive control over the assets of the committees that the Secretary of Agriculture may exercise under the applicable regulations. Therefore, . . . it appears that service performed in the employ of such committees are excepted from employment as service performed in the employ of an instrumentality of the United States Government. Thus, with regard to the conclusions in the 1945 ruling, our conclusion with respect to entities similar to the entity described in the ruling would appear to be that

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 4 -

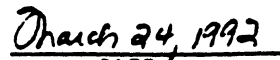
services for the entities would be excepted from employment by section 3306(c)(6) of the Internal Revenue Code as services performed for a wholly or partially owned instrumentality of the United States.

The reasons stated above support the conclusion stated in the first paragraph of this ruling that employees hired by the boards and committees (as distinguished from members) of all of the agricultural boards and committees referred to herein are covered by the UCFE program. The employing agency may not participate in the UCFE program for the board and committee members due to the exclusion at 5 U.S.C. 8501(1)(K).

This coverage ruling is issued pursuant to redelegation of authority from the Assistant Secretary of Labor, in Employment and Training Order No. 2-92, dated March 20, 1992, which is authorized by Section 6 of Secretary's Order No. 4-75 (40 Fed. Reg. 18515) (as amended by Secretary's Order No. 14-75).



MARY ANN WYRSCH
Director
Unemployment Insurance Service



DATE

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

List of 44 Agricultural Marketing
Agreement and Order Administrative Committees
As of March 1, 1991
(7 U.S.C. Parts 905-998)

- 905 Citrus Administrative Committee - Florida
- 906 Texas Valley Citrus Committee
- 907 Navel Orange Administrative Committee - California & Arizona
- 908 Valencia Orange Administrative Committee - California
and Arizona
- 910 Lemon Administrative Committee - California and Arizona
- 911 Florida Lime Administrative
- 915 Florida Avocado Administrative Committee
- 916 Nectarine Administrative Committee - California
- 917 Control Committee - California
 - Pear Commodity Committee
 - Plum Commodity Committee
 - Peach Commodity Committee
- 918 Georgia Peach Industry Committee
- 919 Colorado Peach Administrative Committee
- 920 Kiwifruit Administrative Committee - California
- 921 Washington Fresh Peach Marketing Committee
- 922 Washington Apricot Marketing Committee
- 923 Washington Cherry Marketing Committee
- 924 Washington-Oregon Fresh Prune Marketing Committee
- 925 California Desert Grape Administrative Committee
- 926 Tokay Grape Industry Committee - California
- 927 Winter Pear Control Committee - Oregon, Washington,
and California
- 928 Papaya Administrative Committee - Hawaii
- 929 Cranberry Marketing Committee - Massachusetts, Rhode Island,
Connecticut, New Jersey, Wisconsin, Michigan, Oregon,
Minnesota, Washington, and Long Island, New York
- 931 Northwest Fresh Bartlett Marketing Committee - Oregon
and Washington
- 932 California Olive Committee
- 945 Idaho Eastern Oregon Potato Committee
- 946 State of Washington Potato Committee
- 947 Oregon-California Potato Committee
- 948 Colorado Potato Administrative Committee
- 950 Maine Potato Committee (currently inactive)
- 953 Southeastern Potato Committee - Virginia and North Carolina
- 955 Vidalia Onion Committee - Georgia
- 958 Idaho-Eastern Oregon Onion Committee
- 959 South Texas Onion Committee
- 965 Texas Valley Tomato Committee
- 966 Florida Tomato Committee
- 967 Florida Celery Committee
- 971 South Texas Lettuce Committee
- 979 South Texas Melon Committee
- 981 Almond Board of California
- 982 Filbert/Hazelnut Marketing Board - Oregon and Washington
- 984 Walnut Marketing Board - California
- 985 Far West Spearmint Oil Administrative Committee
- 987 California Date Administrative Committee
- 989 Raisin Administrative Committee - California
- 993 Prune Marketing Committee California
- 996 Peanut Administrative Committee - Georgia

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

U. S. Department of Labor Employment and Training Administration Washington, D.C. 20210	CLASSIFICATION
	CORRESPONDENCE SYMBOL
	DATE
	UCFE
	TEUMI
	November 10, 1993

DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 23-92,
Change 2

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : MARY ANN WYRSCH *Mary Ann Wyrach*
Director *ELG*
Unemployment Insurance Service

SUBJECT : Unemployment Compensation for Federal Employees
(UCFE)--Coverage Ruling for Employees and
Members of Agricultural Promotion Boards and
Marketing Agreement and Order Administrative
Committees

1. **Purpose.** To forward to the State employment security agencies (SESAs) an updated listing of Agriculture boards and committees previously submitted in the below referenced program letters.

2. **References.** UIPL No. 23-92, dated April 21, 1992, and UIPL No. 23-92, Change 1, dated May 20, 1993.

3. **Background.** The Department of Agriculture recently requested a coverage ruling for employees of six additional boards to be covered for UCFE benefits within the meaning of 5 U.S.C. 8501(1). Therefore, the listing, previously approved under UCFE Program Coverage Ruling No. 92-1 and contained in the referenced program letters, has been updated to include these additional boards. It has been determined that the employees (not members) of these six boards are Federal employees and perform "Federal service" for UCFE program purposes. The six boards listed below are wholly owned instrumentalities of the United States and, therefore, are exempt from FUTA under Section 3306(c)(6) of the Internal Revenue Code of 1986. They are:

- a. Lime Board (7 U.S.C. 6201-6212; 7 CFR Part 1212)
- b. Mushroom Council (7 U.S.C. 6101-6112; 7 CFR Part 1209)
- c. National Fluid Milk Processor Promotion Board (7 U.S.C. 6401-6417; 7 CFR Part 1160 (Proposed))
- d. National Watermelon Promotion Board (7 U.S.C. 4901-4916; 7 CFR Part 1210)
- e. Pecan Marketing Board (7 U.S.C. 6001-6013; 7 CFR Part 1211)

RESCISSIONS	EXPIRATION DATE
UIPL No. 23-92 and No. 23-92, Change 1	November 30, 1994

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

- 2 -

f. United Soybean Board (7 U.S.C. 6301-6311; 7 CFR Part 1220)

4. Action Required. SESA administrators are requested to distribute this updated listing immediately to the appropriate State agency staff responsible for UCFE, tax, and appellate operations.

5. Inquiries. Questions should be directed to the appropriate Regional Office.

6. Attachment. Updated Listing of Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees.

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX C - COVERAGE RULINGS

Attachment to UIPL No. 23-92, Chg. 2

Agricultural Promotion Boards and Marketing Agreement and Order Administrative Committees As of September 1993

Listed below are the six additional boards where it has been determined that the employees perform "Federal service" for UCFE program purposes within the meaning of 5 U.S.C. 8501(1).

1. Lime Board (7 U.S.C. 6201-6212; 7 CFR Part 1212)
2. Mushroom Council (7 U.S.C. 6101-6112; 7 CFR Part 1209)
3. National Fluid Milk Processor Promotion Board (7 U.S.C. 6401-6417; 7 CFR Part 1160 (Proposed))
4. National Watermelon Promotion Board (7 U.S.C. 4901-4916; 7 CFR Part 1210)
5. Pecan Marketing Board (7 U.S.C. 6001-6013; 7 CFR Part 1211)
6. United Soybean Board (7 U.S.C. 6301-6311; 7 CFR Part 1220)

The following boards were previously contained in UCFE Program Coverage Ruling No. 92-1 an attached to UIPL No. 23-92 and No. 23-92, Change 1.

1. National Dairy Promotion and Research Board (7 U.S.C. 4501-4513; 7 CFR Part 1150)
2. Honey Board (7 U.S.C. 4601-4612; 7 CFR Part 1240)
3. National Potato Promotion Board (7 U.S.C. 2611-2627; 7 CFR Part 1207)
4. Cotton Board (7 U.S.C. 2101-2118; 7 CFR Part 1205)
5. National Pork Board (7 U.S.C. 4801-4819; 7 CFR Part 1250)
6. Cattlemen's Beef Promotion and Research Board (7 U.S.C. 2901-2911; 7 CFR Part 1260)
7. Egg Board (7 U.S.C. 2701-2718; 7 CFR Part 1250)

The following committees were previously contained in UCFE Program Coverage Ruling No. 92-1 as an attachment to UIPL No. 23-92 and No. 23-92, Change 1, and are established under 7 U.S.C. 601-674; 7 CFR Parts 905-998.

1. Citrus Administrative Committee - Florida
2. Texas Valley Citrus Committee
3. Navel Orange Administrative - California & Arizona
4. Valencia Orange Administrative Committee - California and Arizona
5. Lemon Administrative Committee - California & Arizona
6. Florida Lime Administrative Committee
7. Florida Avocado Administrative Committee
8. Nectarine Administrative Committee - California
9. Control Committee - California
 - Pear Commodity Committee
 - Plum Commodity Committee
 - Peach Commodity Committee
10. Georgia Peach Industry Committee
11. Colorado Peach Administrative Committee

UCFE INSTRUCTIONS FOR STATE AGENCIES

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12. Kiwifruit Administrative Committee - California
13. Washington Fresh Peach Marketing Committee
14. Washington Apricot Marketing Committee
15. Washington Cherry Marketing Committee
16. Washington-Oregon Fresh Prune Marketing Committee
17. California Desert Grape Administrative Committee
18. Tokay Grape Industry Committee - California
19. Winter Pear Control Committee - Oregon, Washington,
and California
20. Papaya Administrative Committee - Hawaii
21. Cranberry Marketing Committee - Massachusetts, Rhode Island,
Connecticut, New Jersey, Wisconsin, Michigan, Oregon,
Minnesota, Washington, and Long Island, New York
22. Northwest Fresh Bartlett Marketing Committee - Oregon
and Washington
23. California Olive Committee
24. Idaho Eastern Oregon Potato Committee
25. State of Washington Potato Committee
26. Oregon-California Potato Committee
27. Colorado Potato Administrative Committee
28. Maine Potato Committee (currently inactive)
29. Southeastern Potato Committee - Virginia & North Carolina
30. Vidalia Onion Committee - Georgia
31. Idaho-Eastern Oregon Onion Committee
32. South Texas Onion Committee
33. Texas Valley Tomato Committee
34. Florida Tomato Committee
35. Florida Celery Committee
36. South Texas Lettuce Committee
37. South Texas Melon Committee
38. Almond Board of California
39. Filbert/Hazelnut Marketing Board - Oregon & Washington
40. Walnut Marketing Board - California
41. Far West Spearmint Oil Administrative Committee
42. California Date Administrative Committee
43. Raisin Administrative Committee - California
44. Prune Marketing Committee - California
45. Peanut Administrative Committee - Georgia

UCFE INSTRUCTIONS FOR STATE AGENCIES

Appendix D. Listing of 3-Digit Federal Agency Codes

Code Title

001 Senate
002 House of Representatives
004 U.S. House of Representatives Restaurant System
010 Architect of the Capitol
012 Copyright Royalty Tribunal
015 Botanic Gardens
020 General Accounting Office
025 Government Printing Office
030 Library of Congress
035 United States Tax Court
040 Congressional Budget Office
045 Office of Technology Assessment
111 Supreme Court
112 U.S. Courts, Administrative Office of
205 White House Office
207 Office of the Vice President
210 Office of Management and Budget
215 Office of Administration
220 Council of Economic Advisors
221 Council on Environmental Quality
223 Executive Mansion and Grounds
224 Executive Residence at the White House
225 Office of Policy Development
230 National Security Council
233 Office of Federal Procurement Policy
235 Office of Science and Technology Policy
238 Office of Special Representative for Trade
Negotiations
250 Regulatory Information Service Center
300 Appraisal Subcommittee of the Federal Financial
Institution Examination Council
301 Architectural and Transportation Barriers Compliance
Board
302 Arctic Research Commission
303 Barry Goldwater Scholarship and Excellence in Education
Foundation
304 Christopher Columbus Quincentenary Jubilee Commission
305 Committee on Agricultural Workers
306 Commission on Interstate Child Support
307 Committee on Minority Business Development
308 Commission on National and Community Service

309 Competitiveness Policy Council
310 Defense Nuclear Facility Safety Board
311 International Cultural and Trade Commission

UCFE INSTRUCTIONS FOR STATE AGENCIES

Code Title

312 James Madison Memorial Fellowship Foundation
313 Martin Luther King, Jr., Federal Holiday Commission
314 National Commission on Aids
315 National Committee on Judicial Discipline and Removal
316 National Committee on Migrant Education
317 National Committee on Children
318 National Commission on American Indians, Alaskan
Natives, and Native Hawaiian Housing
319 National Commission on Responsibilities for Financing
Post Secondary Education
320 National Committee on Infant Mortality
321 National Council an Disabled
322 National Women's Business Council
323 Nuclear Waste Technical Review Board
324 Prospective Payment Assessment Commission
325 Physical Payment Review Committee
326 U.S. Institute of Peace
327 U.S. Nuclear Waste Negotiator
328 National Advisory Council on Public Service
329 Presidential Commission on Policies and Programs
Affecting Alaska Natives
330 Joint Federal State Commission on Policies and Programs
Affecting Alaska Natives
331 National Commission on Financial Institutions Reform,
Recovery, and Enforcement
405 State, Department of
410 Treasury, Department of the
421 Defense - w/o Army, Navy, and Air Force
422 Army, Department of the (Civilian)
423 Navy, Department of the (Civilian)
424 Air Force, Department of the (Civilian)
425 Army--Non-appropriated Fund Activity
427 Air Force--Non-appropriated Fund Activity
429 Army and Air Force Exchange Service

UCFE INSTRUCTIONS FOR STATE AGENCIES

Code Title

430 Justice, Department of
440 Interior, Department of
445 Agriculture, Department of
450 Commerce, Department of
455 Labor, Department of
460 Health and Human Services, Department of
465 Housing and Urban Development, Department of
470 Transportation, Department of
475 Energy, Department of
480 Education, Department of
502 Action
503 Administrative Conference of the United States
505 Advisory Commission on Federal Pay
506 United States International Development
Cooperation Agency
507 Advisory Council on Historic Preservation
508 Alaska National Gas Transportation System
509 Appalachian Regional Commission
510 American Battle Monuments Commission
511 Board of International Broadcasting
512 Arms Control and Disarmament Agency
520 Board of Governors, Federal Reserve System
530 Civil Aeronautics Board
531 Comm. for Purch. of Prod. from the Handicap.
532 Delaware River Basin Commission
535 Office of Personnel Management
537 Comm. on the Bicent. of the U.S. Constitution
538 Commission on Fine Arts
539 Commission on Civil Rights
541 Consumer Product Safety Commission
543 Commodities Futures Trading Commission
545 Advisory Commission on Intergovernmental Relations
552 Environmental Protection Agency
554 Equal Employment Opportunity Commission
555 Export-Import Bank
557 Farm Credit Administration
570 Federal Communications Commission
572 Federal Election Commission
574 Federal Emergency Management Agency
575 Federal Deposit Insurance Corporation
576 Federal Home Loan Bank Board
577 Federal Labor Relations Authority

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578 Federal Maritime Commission
580 Federal Mediation and Conciliation Service
583 Federal Mine Safety and Health Review Commission
584 Federal Retirement Thrift Investment Board
586 Federal Savings and Loan Insurance Corporation
590 Federal Trade Commission
592 Foreign Claims Settlement Commission
600 General Services Administration
601 Harry S. Truman Scholarship Foundation
602 Japan-U.S. Friendship Commission
618 Institute of Museum Services
619 John F. Kennedy Center for the Performing Arts
620 U.S. Information Agency
621 Inter-American Foundation
622 International Boundary and Water Commission
623 International Trade Commission
625 Interstate Commerce Commission
627 Marine Mammal Commission
628 Merit System Protection Board
631 National Aeronautics and Space Administration
633 National Archives and Records Administration
634 National Credit Union Administration
635 National Commission for Employment Policy
639 National Commission on Libraries & Info. Sciences
640 National Capital Planning Commission
642 National Gallery of Art
643 National Commission on Severely Distressed Public
Housing
644 National Commission on Aids
645 National Labor Relations Board
646 National Endowment for the Arts
647 National Endowment for the Humanities
650 National Mediation Board
652 National Railroad Adjustment Board
655 National Science Foundation
656 National Transportation Policy Study Commission
657 Navajo and Hopi Indian Relocation Commission
659 Nuclear Regulatory Commission
660 National Transportation Safety Board
661 Nuclear Safety Oversight Commission
663 Occupation Safety and Health Review Commission
664 Overseas Private Investment Corporation
665 Panama Canal Commission

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667 Pension Benefit Guaranty Corporation
668 Postal Rate Commission
670 Railroad Retirement Board
674 Ozarks Regional Commission
677 Peace Corps
678 Pennsylvania Avenue Development Commission
680 President's Commission on Ethical Problems
682 President's Commission on Pension Policy
683 Railroad Accounting Principles Board
690 Securities and Exchange Commission
695 Selective Service System
697 Susquehanna River Basin Commission
700 Small Business Administration
701 United States Holocaust Memorial Council
705 Smithsonian Institution
710 Soldier's and Airmen's Home
730 Tennessee Valley Authority
732 U.S. Postal Service
735 Veteran's Administration
807 Navy Exchange Service
808 Navy Club and Recreation System
809 U.S. Marine Corps Morale, Welfare,
and Recreation Support Activity
811 U.S. Coast Guard--Nonappropriated Fund Activity
902 Central Intelligence Agency
909 Census--UCFE

UCFE INSTRUCTIONS FOR STATE AGENCIES

APPENDIX E - LIST OF UCFE INSTRUCTIONS SUPERSEDED BY THIS HANDBOOK

The following instructions issued to Federal agencies are superseded by the issuance of this Handbook:

1. How to Reduce Unemployment Insurance Overpayments and Benefit Costs for Federal Employees. Issued March 24, 1983.
2. Procedures for the Unemployment Compensation for Federal Employees (UCFE) Program. Issued October 6, 1986.
3. Issuance of Revised Standard Form 8 (SF-8), Notice to Federal Employee About Unemployment Insurance. Issued September 22, 1987.
4. Change in Billing Policy for Unemployment Insurance Benefit Costs Payable by Federal Employing Agencies. Issued February 17, 1988.
5. Backpay Award (Comptroller General's Decision). Issued April 17, 1988.
6. Privacy Act Release Statements. Issued May 18, 1988.
7. Effect of Backpay Awards on Unemployment Compensation Benefit Amounts (State Laws). Issued May 15, 1990.
8. Procedures Relating to Federal Civilian Employee Furloughs. Issued September 11, 1990.
9. Completion of Wage Information on Claims Inquiries. Issued November 16, 1992.