

3 FAM 3640

UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES

(CT:PER-527; 04-13-2005)
(Office of Origin: HR/ER)

3 FAM 3641 INTRODUCTION

(CT:PER-527; 04-13-2005)
(State Only)
(Applies to Foreign Service & Civil Service Employees)

- a. This subchapter provides employees with information on the Unemployment Compensation for Federal Employees Program (UCFE).
 - (1) General Information: 3 FAM 3642;
 - (2) UCFE Program Coverage: 3 FAM 3643;
 - (3) Eligibility and disqualification requirements for UCFE Benefits: 3 FAM 3644;
 - (a) Eligibility: 3 FAM 3644.1;
 - (b) Where to File: 3 FAM 3644.2; and
 - (c) Disqualification: 3 FAM 3644.3.
 - (4) Responsibilities of bureau and post human resources or administrative officers, Bureau of Human Resources, and Office of Employee Relations: 3 FAM 3645;
 - (5) Appeal Rights: 3 FAM 3646;
 - (6) Authority: 3 FAM 3647;
 - (7) Definitions: 3 FAM 3648; and
 - (8) Additional information: 3 FAM 3649.
- b. These regulations provide guidance to separated and furloughed employees about making a claim for unemployment compensation under the

UCFE program and make clear Department responsibilities in connection with such claims.

3 FAM 3642 GENERAL INFORMATION

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service & Civil Service Employees)

- a. The Unemployment Compensation for Federal Employees (UCFE) Program is under the direction of the Department of Labor (DOL). It provides for unemployment compensation (weekly income for a limited period of time) for Federal civilian service employees, who become unemployed or furloughed through no fault of their own (as determined under State law) and who are ready, willing, and able to work.
- b. The States, through agreements with the Secretary of Labor, act as agents of the United States in:
 - (1) Taking claims;
 - (2) Determining eligibility; and
 - (3) Paying compensation in the same amount, on the same terms, and subject to the same conditions as the compensation that would be payable based on employment and earnings under the State unemployment compensation laws.
- c. Designated personnel from federal agencies are required to provide wage and separation information for the claims that are made.

3 FAM 3643 UCFE PROGRAM COVERAGE

3 FAM 3643.1 Applicability

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

These regulations apply to all Civil Service and Foreign Service employees of the Department of State who are separated or furloughed, including:

- (1) Personal Service contractors;

- (2) Seasonal employees;
- (3) Employees under temporary appointments;
- (4) Limited non-career appointees;
- (5) American Family Member appointees abroad;
- (6) Presidential appointees, non-career and limited term Senior Executive Service (SES) appointees and Schedule C employees:
 - (a) Who resign by request;
 - (b) Are separated due to a change in agency leadership; or
 - (c) Are separated because of the transition to a new administration.
- (7) Employees separated due to change in tour of duty or termination of appointment (e.g., terminated due to lack of work).

3 FAM 3644 ELIGIBILITY AND DISQUALIFICATION REQUIREMENTS FOR UCFE BENEFITS

3 FAM 3644.1 Eligibility

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

- a. Generally, to be eligible to receive UCFE benefits; separated or furloughed employees must:
 - (1) Have Federal and/or civilian service and wages in the base period under the applicable State law;
 - (2) Meet the qualifying employment and wage requirements of the applicable State law, either based on Federal civilian service and Federal wages alone or in combination with service and wages under a State law;
 - (3) Be unemployed (or be employed less than full-time and earn less than an amount specified in the State law);

- (4) Be available to work (i.e., ready, willing, mentally and physically able to accept work considered suitable because of past training, education, or experience);
 - (5) File an initial claim for UCFE that results in an eligible monetary determination, and file a timely claims for weeks of unemployment; and
 - (6) Register for work at a State unemployment compensation insurance office and continue to report to that office, as directed.
- b. The Department does not determine eligibility. Rather, the State in which the former employee files the claim makes the determination of eligibility for unemployment compensation benefits. Each State has its own eligibility criteria.

3 FAM 3644.2 Where to File

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

To file a claim, a former employee should contact the workforce agency of the State in which he/she is located. Claims may be filed in every State, the District of Columbia, Puerto Rico, and the U. S. Virgin Islands. Most States have telephone and/or Internet claims filing procedures (see Workforce Security Agency).

3 FAM 3644.3 Disqualification

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

State laws may disqualify applicants for benefits for one or more of the following reasons:

- (1) Quitting a job voluntarily without good cause connected with the work (includes resigning before receipt of a request to resign due to change in administration, leadership or Presidential transition (e.g., Schedule C appointments);
- (2) Being discharged for misconduct connected with work;
- (3) Refusing, without good cause, to apply for or accept an offer of a suitable job.

3 FAM 3644.4 GENERAL BENEFITS

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

Benefits generally are determined by the location of the claimant's last official duty station of Federal employment. If the last official duty station was outside the United States, the District of Columbia, Puerto Rico, or the U. S. Virgin Islands, the State where the claim is filed will determine benefit rights. The weekly benefit amount and the number of weeks during which benefits may be paid are determined under State law based on the employee's prior earnings.

3 FAM 3645 RESPONSIBILITIES

3 FAM 3645.1 Bureau and Post Human Resources or Administrative Officers-Agency Notification

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

Bureau and post human resources or administrative officers are responsible for:

- (1) Providing employee with a completed copy of Form SF-8, "Notice to Federal Employee About Unemployment Compensation at the time of separation from Federal civilian service or when an employee is in a non-pay status for seven consecutive days or more. Place the following information in Box 8 of Form SF-8:

Department of State
2401 E. Street N.W., SA-1 Suite H-804
Chief, HR Records & Information Management Division
(HR/EX/RM)
Washington, DC 20522
Agency Code: 405
Telephone number: (202) 663-1880

- (2) **For Personal Service Contract employees (PSCs):** The hiring bureau provides HR/EX/RM with:

- Form JF-62, Personal Services Contracting Action

- Name of hiring bureau's point of contact, and
 - Point of contact's E-mail address and telephone number
- (3) Providing employee with a copy of the personnel action documenting separation or furlough (Form SF-50, Notice of Personnel Action or Form JF-62, Personal Services Contracting Action **(for PSCs)**). The personnel action must clearly include:
- (a) The reason for separation in the remarks column; and
 - (b) Any eligibility for severance pay or an annual leave lump sum payment:
 - **For Civil Service employees**, Form SF-50 should refer to any specific job offers made by the Department and refused by the employee
 - **For Presidential and Schedule C appointees**, there should be a reference and copy of the request for resignation, when applicable
- (4) Advising employee that claim should be accompanied by:
- (a) Copy of Form SF-8,
 - (b) Social Security card,
 - (c) Official notice of separation from the Department (Form SF-50 or Form JF-62),
 - (d) Most recent Earnings and Leave Statement; and
 - (e) These forms and documents are needed to file an unemployment compensation claim either by telephone, Internet, or in person.
- (5) Responding to inquiries and/or appeals from State unemployment insurance agencies and preparing appeals, as necessary. Bureaus and/or posts are encouraged to seek additional guidance, as needed, from the Office of Human Resources (HR/ER) and/or Office of the Legal Adviser (L/EMP) on a case-by-case basis.

3 FAM 3645.2 Bureau of Human Resources (HR/EX)

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

HR/EX:

- (1) Completes request for wage and separation information received from State unemployment insurance agency after a former employee has filed a claim. This form ordinarily is completed within four working days after receipt. HR/EX then transmits the completed copy to the State agency. **For PSCs**, forward the request to appropriate hiring bureau for completion;
- (2) Maintains a file of requests for wage and separation information from State agencies and the quarterly salary reported from the Department's payroll system;
- (3) Forwards appeals, requests to be present for hearings and/or telephone hearings, or additional information to the appropriate bureau. The bureau that has terminated or where the claimant has resigned, should handle the hearing; and
- (4) Receives, reviews, and arranges for payment of the Department's quarterly bill for its share of UCFE benefits based on payment received by any former Department employee.

3 FAM 3645.3 Office of Employee Relations (HR/ER)

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

HR/ER is responsible for providing advice and guidance to bureau executive offices and posts abroad, when necessary.

3 FAM 3646 APPEAL RIGHTS

(CT:PER-527; 04-13-2005)

(State Only)

(Applies to Foreign Service and Civil Service employees)

All State employment laws allow for administrative appeals of their determinations by former Federal employees or agencies. Refer to 20 CFR 609.7. An appeal must be filed in a timely manner within the number of days specified by the State in which the claim is filed. A State appeals examiner

makes a decision on the appeal within the time period provided under State law. There may be further levels of appeal under each State's laws.

3 FAM 3647 AUTHORITY

(CT:PER-527; 04-13-2005)
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The following authorities are cited:

- (1) 5 U.S.C. 8501-8509;
- (2) 20 CFR Part 609; and
- (3) Internal Revenue Code of 1986, Subsection 3304.

3 FAM 3648 DEFINITIONS

(CT:PER-527; 04-13-2005)
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Definitions of relevant terms are found at 5 U.S.C. 8501 and 20 CFR 609.2.

3 FAM 3649 ADDITIONAL INFORMATION

(CT:PER-527; 04-13-2005)
(State Only)
(Applies to Foreign Service and Civil Service employees)

| FOR | CONTACT |
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| <p>Verification of Employment</p> | <p>By Telephone: (202) 663-1880</p> <p>Written employment verification:</p> <p>HR Records and Information Management Division (HR/EX/RM) H804, SA-1 2401 E Street, N.W. Washington, D.C. 20522</p> |

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| Unemployment Compensation forms, requests for wage and separation information, etc. | Bureau of Human Resources HR Records and Information Management Division HR/EX/RM |
| Advice and guidance | Bureau of Human Resources, Employee Relations (HR/ER); or HR/EX/RM |
| Department of Labor | General Information on UCFE benefits Fact Sheets Map of Links to State Unemployment Compensation Offices |