

EMPLOYMENT AND TRAINING ADMINISTRATION ADVISORY SYSTEM U.S. DEPARTMENT OF LABOR Washington, D.C. 20210	CLASSIFICATION UI/UCFE
	CORRESPONDENCE SYMBOL OUI/DUIO
	DATE January 17, 2013

ADVISORY: UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 07-13

TO: STATE WORKFORCE AGENCIES

FROM: JANE OATES
Assistant Secretary

Jane Oates

SUBJECT: Unemployment Compensation - Federal Civilian Wage Assignment

1. **Purpose.** To respond to inquiries from state workforce agencies about the correct assignment of Federal civilian service and Federal wages for purposes of establishing monetary entitlement for unemployment compensation (UC), including Unemployment Compensation for Federal Employees (UCFE).
2. **References.**
 - 20 CFR Part 609.2, *Unemployment Compensation for Federal Civilian Employees, Definition of Terms*;
 - 20 CFR Part 609.8 (b), *Assignment of service and wages*; and
 - Employment and Training Handbook No. 391, *Unemployment Compensation for Federal Employees Instructions for State Agencies*.
3. **Background.** The definition of Federal civilian service, which includes service on a temporary basis, is found at 20 CFR 609.2. The requirements for assignment of Federal civilian service and Federal wages are found at 20 CFR 609.8(b). Federal civilian service and Federal wages used to establish a UC or UCFE benefit year are assigned to the state in which the individual had his or her last "official station" (as defined in 20 CFR 609.2(k)) before filing a first claim, unless one of the two exceptions below exists:
 - If, at the time of filing a first claim, the individual has worked in covered (non-Federal) employment under the unemployment compensation law of his/her state of residence after termination from Federal service, then the individual's Federal civilian service and Federal wages must be assigned to his/her state of residence.
 - If the individual's last official station, before filing his/her first claim, was outside the United States, then 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 a first claim. Individuals may not file a UCFE claim from outside the United States. For UC/UCFE purposes, "United States" means all the "states" as defined in

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20 CFR 609.3(m), which includes the 50 states, the District of Columbia, the Commonwealth of Puerto Rico and the Virgin Islands.

4. **Action Requested.** Effective immediately, all Federal civilian service and wages must be assigned in accordance with the interpretation of 20 CFR 609.8(b) in the attachment to this Unemployment Insurance Program Letter.
5. **Inquiries.** Questions should be directed to the appropriate Regional Office.
6. **Attachment.** UCFE Wage Assignment Questions and Answers

UCFE Wage Assignment Questions and Answers

1) Question: Is the state agency taking the Unemployment Compensation for Federal Employees (UCFE) claim responsible for determining assignment of Federal civilian service and Federal wages?

Answer: Yes. The Federal agency will advise states of an individual's last official station. As described in the definition of "official station" in 20 CFR 609.2(k), the official station is either the "duty station" listed on the Standard Form (SF)-50, *Notification of Personnel Action* that the Federal agency provides to the individual upon termination of the individual's Federal service, or the state or country designated under "name and location of employing office" on the SF-50 or designated as the individual's place of employment on an equivalent form. Then, the state agency taking the claim must determine the proper wage assignment.

2) Question: Does assignment of Federal civilian service and Federal wages only cover the applicable base period?

Answer: No. All Federal civilian service and Federal wages including the applicable base period and current lag wages are assignable as provided by 20 CFR 609.8(b) at the time a first claim is filed, including Federal civilian service and Federal wages earned up to the effective date of the claim.

3) Question: If an individual worked for multiple Federal agencies, does the state agency taking the claim need to assign the Federal civilian service and Federal wages (including current lag wages up to the effective date of the claim) from each Federal agency separately?

Answer: No. At the time a first claim is filed, the state agency taking the claim must assign all Federal civilian service and Federal wages (including lag wages) to one state in accordance with 20 CFR 609.8(b). If Federal civilian service and Federal wages with multiple Federal agencies are involved, the state agency taking the claim must send a Form ETA 931, *Request for Wage and Separation Information* (Office of Management and Budget Control No. 1205-0179), to each Federal agency at which the individual earned wages in the applicable base period and, if applicable, the period between the end of the base period and the effective date of the claim.

4) Question: Do the Federal civilian service and Federal wage assignment rules in 20 CFR 609.8(b) apply to Federal employees of the Federal Emergency Management Agency who work on an on-call, intermittent basis, and are known as Disaster Assistance Employees (DEAs or Reservists)?

Answer: Yes. State agencies must assign the Federal civilian service and Federal wages for DEAs to the state in which they had their last official station before filing a first claim (or the state designated under "name and location of employing office" on the SF-50 or designated as the individual's place of employment on an equivalent form), and may only assign the Federal civilian service and Federal wages of DEAs to their state of residence if their last official station was outside of the United States or they had subsequent covered non-Federal employment.

5) Question: Are Federal civilian service and Federal wages assignable in the same manner when a “joint claim” (i.e., a claim that includes military wages and/or regular UC wages) is filed?

Answer: Yes. When the first claim is filed, whether it is filed under the UCFE program or it is filed as a “joint claim,” all Federal civilian service and Federal wages from the beginning of the applicable base period to the effective date of the claim must be assigned in accordance with 20 CFR 609.8(b).