

# UCFE INSTRUCTIONS FOR STATE AGENCIES

## 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 SWA 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 SWA 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 SWAs.

(a) Guidance on certain categories of workers. The SWAs 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 SWAs 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 nonappropriated 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.