

1998-Sec 700

700. UNEMPLOYMENT INSURANCE BASED ON SERVICES FOR THE UNITED STATES

Two Federal unemployment insurance programs--one for Federal civilian employees and the other for ex-servicemembers--are provided by Federal law (title 5, chapter 85, U.S. Code--5 U.S.C. 8501 et seq.).

705 UNEMPLOYMENT COMPENSATION FOR FEDERAL CIVILIAN EMPLOYEES AND FOR EX-SERVICEMEMBERS

Under agreements entered into by the Secretary of Labor and the State employment security agencies, the Federal programs of unemployment compensation for Federal civilian employees and for ex-servicemembers are administered by the State agencies as agents of the United States Government.

Federal civilian and military wages are assigned to the appropriate State agency in accordance with Federal law. Thereafter, eligibility for unemployment insurance benefits and the amount of benefits paid are determined under the applicable State law. Thus, the claims of Federal civilian employees and ex-servicemembers are subject to the same eligibility and disqualification provisions as those filed by individuals claiming benefits under a State unemployment insurance law.

705.01 UNEMPLOYMENT COMPENSATION FOR FEDERAL EMPLOYEES (UCFE).--An unemployed Federal civilian worker's eligibility is determined under the unemployment insurance law of the State in which his or her official duty station was located where he or she last worked in Federal civilian employment or in which subsequent private covered employment was performed in the State of his or her residence or, if employed outside the United States, under the law of the State in which he or she resides when filing the claim. If eligible, he or she is entitled to unemployment benefits in the amounts and under the conditions provided by the State unemployment insurance law. Findings pertaining to Federal civilian employment, wages, and reasons for separation are furnished, upon request, to State agencies by the Federal employing agencies. Each State thereafter determines eligibility for benefits under the provisions of its own unemployment insurance law.

705.02 UNEMPLOYMENT COMPENSATION FOR EX-SERVICEMEMBERS (UCX).--An ex-servicemember's eligibility for UCX benefits is determined under the unemployment insurance law of the State in which he or she first files a claim which establishes a benefit year after his or her most recent separation from active military service. All qualifying Federal military service that occurred during the State's base period is considered. For benefit purposes, an ex-servicemember's wages are determined on the basis of his or her pay grade on separation, using a schedule issued by the Department of Labor which specifies the applicable remuneration for each pay grade. Benefits are not payable during periods in which the ex-servicemember is eligible to receive certain subsistence or educational assistance allowances from the Department of Veterans' Affairs.

To qualify for UCX purposes, an ex-servicemember separated from the military service on or after July 1, 1981, must have completed a full term of active service in the Armed Forces or the Commissioned Corp of the National Oceanic and Atmospheric Administration and must have been discharged or released under honorable conditions; and, if an officer, the individual must not have resigned for the good of the service. In addition, ex-servicemembers discharged or released before completing their first full term of active service will nevertheless have a period of Federal service if separated--(a) for the convenience of the Government under an early release program, (b) because of medical disqualification, pregnancy, parenthood, or service-incurred injury or disability, (c) because of hardship, or (d) because of personality disorder or inaptitude, but only if the service was continuous for 365 days or more.

Continuous active duty in reserve status may be counted in determining if an individual has Federal service, but only if such active duty is continuous for 90 days or longer.