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Remarks

Executive Secretary

29 Sept '87

Date

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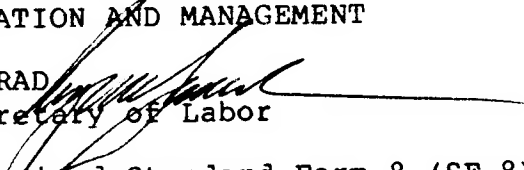
U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



SEP 22 1987

MEMORANDUM FOR ALL FEDERAL AGENCY ASSISTANT SECRETARIES
FOR ADMINISTRATION AND MANAGEMENT

FROM: ROGER D. SEMERAD 
Assistant Secretary of Labor

SUBJECT: Issuance of Revised Standard Form 8 (SF-8),
Notice to Federal Employee About Unemployment
Insurance

This memorandum is a followup to my October 6, 1986, memorandum concerning procedures under the Unemployment Compensation for Federal Employees (UCFE) Program. One item in that memorandum concerned the need to add a contact person to the SF-8, Notice to Federal Employee About Unemployment Insurance.

Attached is a revision of the SF-8 which provides entries for Federal agencies to record their parent Federal agency name, payroll/personnel address, 3-digit Federal Identification Code (FIC), contact person/office and telephone number for State agency use in processing unemployment claims.

To implement use of the revised SF-8, your agency must order supplies from the Federal Supply Service of the General Services Administration (GSA) using the standard FEDSTRIP or MILSTRIP procedures. Your agency's administrative office has the specific information on these procedures. The requisition form submitted to your administrative office should indicate Standard Form 8 (Rev. 6-87), stock number 7540-00-634-3964, quantity, and delivery points desired. If your agency wishes overprinting on the SF-8 with completed entries of your agency's parent Federal agency name, payroll/personnel address, 3-digit FIC, contact person/office and telephone number, a request must be submitted through the Federal Supply Service of GSA, to the Government Printing Office (GPO), for prior approval. Please destroy any supplies of the old SF-8 remaining in stock as soon as your agency orders and receives the revised SF-8 supply.



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The information provided on the revised SF-8 will now enable State agencies to forward UCFE claims forms (ES-931, 931A, 934, 936 and notices of determinations, appeals, and hearings) directly to the appropriate Federal agency address for a timely response. In addition, the information on the SF-8 will now allow State agencies to contact Federal agencies directly by telephone to inquire about or verify information entered on the UCFE claims forms.

We believe that by providing an SF-8 to all separating employees and emphasizing that this form should be presented when filing a claim for unemployment benefits, the operation of the UCFE program will greatly improve in efficiency, quality, and response time.

Please ensure that all staff members, personnel offices, and payroll offices having any part of the responsibility for your agency's UCFE program, are made aware of the revised SF-8 and its purpose. It is, however, the responsibility of the personnel office to order and maintain a supply of SF-8s for separating employees.

The revised SF-8 is self-explanatory; however, if you have any questions concerning this memorandum, please contact either Millie Enten or Louise TenEyck on 535-0312.

Attachment

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.

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.*

U.S. Department of Labor

TEUMI

200 Constitution Avenue, N.W.
Washington, D. C. 20210

Official Business

Penalty for Private Use, \$300

A-130

Mr. Robert M. Gates
Deputy Director
for Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505



**EXECUTIVE SECRETARIAT
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Remarks To # 6: For review and response as requested in Para 3, if applicable.

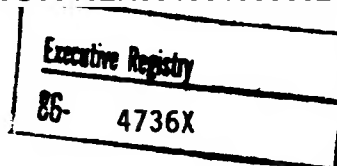
HH Executive Secretary
15 Oct 86

Date

3637 (10-6)

U.S. Department of Labor

Assistant Secretary for
Employment and Training
Washington, D.C. 20210



OCT 6 1986

**MEMORANDUM FOR: ALL FEDERAL AGENCY ASSISTANT SECRETARIES
FOR ADMINISTRATION AND MANAGEMENT**

**FROM: ROGER D. SEMERAD
Assistant Secretary of Labor**

**SUBJECT: Procedures for the Unemployment Compensation
for Federal Employees (UCFE) Program**

A recent investigation conducted by the Department of Labor's Office of Inspector General and a study by the General Accounting Office have identified some deficiencies in the Federal agencies' administration of the Unemployment Compensation for Federal Employees (UCFE) program.

The three main problem areas cited were Federal agencies not providing State agencies with timely and complete wage and separation information; not filing appeals and attending hearings when a case warrants; and not explaining to separating employees the importance of bringing the SF-8, Notice to Employee About Unemployment Insurance, to the local office when filing a claim for UCFE. The attachment identifies those procedures which if reemphasized will minimize improper payments of UCFE benefits. Also included are two new procedures which will address the inclusion of a contact person/organizational unit and telephone number on the SF-8 and a requirement to advise all newly hired and rehired employees to notify the appropriate State agency of their employment. In addition, several proposed procedures are outlined for your consideration.

It is requested that you review existing procedures to assure they are being followed and that the new procedures are promptly implemented. I would also appreciate your reviewing the proposed new procedures for improving the administration of the UCFE program and providing me with your written comments, Attention: Carolyn M. Golding, Director, Unemployment Insurance Service, 601 D Street, N.W., Washington, D.C. 20213 on or before November 21, 1986.

If you have any questions concerning this memorandum, please contact ETA, UIS, Millie Enten on 376-7370.

Attachment



2-242-15

Attachment

UCFE PROCEDURES

- I. The following are existing procedures which require additional emphasis.

- A. Timely and Complete Information

One of the greatest problems in the UCFE program is that Federal agencies are not providing State Employment Security Agencies (SESAs) with timely and complete wage and separation information on Forms ES-931, Request for Wage and Separation Information. Federal regulations require that this information be provided to SESAs within 4 workdays from the day the Federal agency receives the request.

When a Federal agency returns the Form ES-931, it is important that it be timely, and that the reason for separation be complete. If all of the factual information is not provided, or if the information is not provided on a timely basis, SESAs cannot make a proper determination of eligibility. In the absence of complete and timely wage and separation information from the Federal agency, the SESA will question the claimant as to his/her reasons for separation. Claimants rarely provide a reason for separation which would be detrimental to the receipt of UCFE benefits.

In many instances the result of untimeliness or incompleteness is that SESAs are paying claimants UCFE benefits to which they may not have been entitled. In these instances, your agency is charged for all UCFE benefits paid.

If, at a later date, complete information is provided and based on the information, it is determined that the claimant should not have been paid benefits under State law, the SESAs will set up an overpayment. However, until or unless this overpayment is collected, your agency will be billed and liable to pay the amount overpaid. Experience shows that UCFE overpayments are only recovered at a rate of approximately 56% for fraudulent claims and 49% for nonfraud claims.

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B. Stay-In-School Employees

A prerequisite for students to be covered by the stay-in-school program is that he/she must be a bona fide student employed by a Federal agency. A bona fide student is one who is substantially attending school on a full-time basis. If the student drops out of school, he/she can no longer be considered enrolled in the program and Federal employment should be terminated by the Federal agency. Most students who drop out of the program and are terminated by the Federal agency are not entitled to UCFE benefits. However, some States' laws may permit UCFE benefits to be paid following such termination of Federal service if the student had a "compelling" reason for dropping out of school. Therefore, the complete reason for termination must be included on the Form ES-931 so that the State agencies can make a proper determination of UCFE eligibility.

C. Preparation for and Filing Appeals

It is your agency's responsibility to provide the SESA with complete factual information concerning the reason for separation to ensure that only those employees who meet the qualifications of the appropriate State laws are paid UCFE benefits. It is the responsibility of your personnel office to review notices of determination from the State agencies. If, based on the information contained in the former employee's personnel folder along with any other information, it appears that the employee should not be entitled to receive UCFE benefits and the notice from the State agency indicates that it has determined the former employee to be eligible, your agency should file an appeal within the required time limits as shown on each State notice. This appeal must be followed through. Your agency should have a well documented case and ensure that a witness having firsthand knowledge of the reason for separation attends the appeal hearing to present evidence and testimony.

D. SF-8, Notice to Employee About Unemployment Insurance

Standard Form 8 (SF-8), Notice to Employee About Unemployment Insurance, is to be handed to each separating employee on or before his/her last day of employment. In addition, the personnel office has

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the responsibility of explaining the purpose of the SF-8 to the separating employee and instructing him/her to take the SF-8 to the local offices if he/she files a UCFE claim for unemployment benefits -- it will help expedite the claim. The top line on the SF-8 should contain the parent Federal agency name, followed by the assigned 3-digit agency code number, then any component name and the address to which all forms pertaining to a claim are to be sent.

II. The following are new requirements.

A. Contact Person/Organizational Unit on Forms SF-8

The purpose of this requirement is to provide SESAs with the name (typed or printed) and telephone number of a contact person/organizational unit within your agency who can readily respond to questions pertaining to a specific UCFE claim. The same information should also be provided on all Forms ES-931 in the box provided for the signature of the Federal agency staff member who completed the wage and separation information on the Form ES-931. This will greatly assist the SESAs for follow-up purposes and reduce the time it takes for processing the claim.

B. Statement to All Newly Hired and Rehired Employees

Newly hired and rehired employees who may be receiving or may have applied for unemployment insurance benefits should be made aware of their responsibility to notify the State agency of their employment.

Personnel offices, therefore, shall provide to each newly hired and rehired employee, the following statements:

"If you have applied for or been receiving Unemployment Insurance benefit payments, it is your responsibility, under penalty of law, to notify the appropriate local office, in writing, to discontinue the issuance of Unemployment Insurance checks now that you are employed. Failure to notify the State agency can result in a penalty such as a fine, imprisonment, or both."

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III. The following are proposed changes in procedures for your consideration and comment.

A. Transfer of UCFE Claims Process Responsibility

Complete separation information is not usually contained on the SF-52 or the SF-50 personnel action forms, and in most agencies the payroll office responds to the SESA's request for wage and separation information using its copy of the SF-50 along with payroll records. Therefore, it is proposed that all Federal agencies transfer the entire UCFE process to the personnel office(s). Some agencies have already completed this transfer. While the complete separation information is readily available in the personnel office utilizing the SF-52 and the SF-50 along with personnel office files of proposal and decision letters and statements submitted by supervisor, personnel staff would need to have easy access to quarterly wage information, annual leave lump sum payments and severance pay.

B. Accelerate SF-50 Process

In order to provide a timely and complete response to SESAs, it is proposed that the process of producing a SF-50, Notice of Personnel Action, should be accelerated.

Some Federal agencies produce the SF-50 before the employee leaves, when prior notice is given that an employee is separating. In such cases, when the separating employee receives his/her copy prior to separation, it could be presented to the SESA at the time of filing, thereby facilitating the determination process and ensuring a proper determination of claimant eligibility is made.

C. Changes to Procedures for Processing Separating Employees

When a separated Federal employee applies for unemployment compensation, the State agency determines the claim on the basis of the individual's earning history and the reasons for his/her separation. Lack of information from the agency about the separation sometimes results in improper payments to someone who voluntarily quits for a reason that, if known by the State, would mean

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the individual was not qualified for unemployment compensation. Most frequently this is because the payroll office, to which the State's request for information is currently sent, does not have, cannot obtain quickly enough, or does not try to obtain specific information as to why the employee separated. Unless the State agency receives information to support a denial of the claim, it has no alternative but to decide in favor of the claimant.

In an effort to minimize these improper payments, and thereby cut program costs to the last employing Federal agency, U.S. Department of Labor and the Office of Personnel Management (OPM) are considering the following changes in the way certain separation information is documented and reported to State agencies.

1. Documentation of the Separation by the Agency:

- a. On each SF-52, Request for Personnel Action (or OPM-approved exception thereto), that requests separation by resignation or retirement, the requesting employee's supervisor will add a remark to the form when he/she believes that the specific reason for the individual's action could be important enough to affect the decision on whether to grant unemployment compensation. For example, information that the resignation or retirement occurred after the agency had given written notice of intent to take an adverse or performance-based action against the employee, could affect the State's decision.

The remark to be added is:

"I have additional information regarding this action."

When the supervisor has no such relevant information, he/she will add the following remark:

"I have no additional information regarding this action."

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When the former remark is used, the supervisor will document the additional information concerning the employee's reason for separation on a separate sheet of paper and attach it to the SF-52. If the personnel office agrees that the information warrants retention, a specific file will be created. Since this information will be used in determining eligibility for UCFE purposes, a copy must also be given to the employee. The supervisor's statement can be either typed or legibly handwritten, signed and dated, and should be provided to the employee with the SF-8. Under no circumstances will the statement be placed in the employee's Official Personnel Folder (OPF) or Merged Records Personnel Folder (MRPF).

- b. The servicing personnel office will then place on the SF-50 the above remark that additional information does or does not exist. Should the employee later apply for UCFE and a supervisor's statement is on file, the information will be furnished to the State on Form ES-931, Request for Wage and Separation Information. The file containing the supervisor's statement is a system of records subject to the Privacy Act. In order to reduce the burden on agencies, the file is considered to be part of OPM's General Personnel Records (OPM/GOVT-1) Privacy Act system of records and subject to OPM's Privacy Act regulations at 5 CFR 297.
- c. Since the file containing the supervisor's statement remains with the agency, the agency is responsible for handling Privacy Act matters concerning it--as currently provided at 5 CFR 297.

2. Processing of Claim:

- a. The State agency uses a Form ES-931, Request for Wage and Separation Information, to obtain the necessary information from the former employing agency regarding an individual's claim. In responding to the questions on that form, the payroll/personnel office will be responsible

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for providing the earnings and leave data as well as any supervisor statement retained by the personnel office.

b. Upon receipt of the ES-931, the payroll/personnel office will immediately complete item 3 pertaining to Federal service and wages and return one copy of the form to the State agency within 4 working days. Where appropriate, one copy of the form should be dated and placed with the supervisor's statement to account for the disclosure as required by the Privacy Act.

(1) In addition to any supervisor's statement and payroll data, the payroll/personnel office will attach a copy of the latest SF-50 or SF-52; in the latter case, all explanatory remarks required by subchapters 30 and 31 of FPM Supplement 296-33 will be written out in full, e.g., "No other work available", "RIF notice dated (date)." "Entitled to (\$_____) severance pay..."

(2) In cases where the separation is by discharge, termination, or removal, copies of any proposal and decision letters will be attached.

"OPM will publish instructions regarding documentation by supervisors of information that might affect an unemployment compensation decision and will publish instructions for establishing files for supervisors' statements." The Department of Labor will make the necessary changes to the SF-8 when it is next reprinted.

We realize that these procedures will add to the workload of the servicing personnel office by shifting to it the burden of keeping the supervisor's statement and of providing the information to adjudicate UCFE claims, but we feel the shift in responsibility is justified in terms of savings to agencies if information provided by the personnel office prevents unwarranted payments. If it is decided to implement these changes after review of your comments, we expect to issue more

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detailed and explicit instructions effecting the change through the Federal Personnel Manual system. Since the procedures may involve both the payroll office and the operating personnel office, your review and comments should, necessarily, reflect the views of both offices as well as the program official in charge of the UCFE program within your agency.

Comments and suggestions should be sent by November 21, 1986, to Carolyn M. Golding, Director, Unemployment Insurance Service, 601 D Street N.W., Room 7112, Washington, D.C. 20213. Attn: TEUMI.

If you have any questions concerning this attachment, please contact Millie Enten on 202-376-7370.