

UNITED STATES DEPARTMENT OF LABOR

BUREAU OF EMPLOYMENT SECURITY

WASHINGTON, D. C.

TITLE 20 -- EMPLOYEES' BENEFITS

PART 609 -- REGULATIONS TO IMPLEMENT TITLE XV
OF THE SOCIAL SECURITY ACT, AS AMENDED --
RESPONSIBILITIES OF FEDERAL AGENCIES

Pursuant to the authority vested in me by Section 1509, title XV of the Social Security Act (P.L. 767, 83rd Congress, 68 Stat. 1130), the following regulation relating to the responsibilities of Federal agencies in the administration of title XV, is hereby prescribed:

Sec.

- 609.1 Definitions
- 609.2 Information to Federal Employees
- 609.3 Findings by Federal Agencies
- 609.4 Additional Information to State Agencies or the Secretary
- 609.5 Allocation of Terminal Annual Leave Payment
- 609.6 Assignment of Federal Service and Federal Wages
- 609.7 Request for Additional Information, Correction and Reconsideration of Findings
- 609.8 Appeal by Federal Agency
- 609.9 Liaison

AUTHORITY: Sections 609.1 to 609.9 issued under Section 1509, Title XV of the Social Security Act, as amended (P.L. 767, 83rd Congress, 68 Stat. 1130). Interpret or apply Sections 1501 thru 1505, 1507, and 1509, Title XV of the Social Security Act, as amended (P.L. 767, 83rd Congress, 68 Stat. 1130).

Section 609.1 Definitions. As used in these regulations, unless the context clearly indicates otherwise,

(a) "Federal agency" means any department, agency, or governmental body of the United States (including any instrumentality wholly owned by the United States) employing persons in Federal service as defined in this section.

- 2 -

(b) "Federal employee" means an individual who has performed Federal service, as defined in this section.

(c) "Federal service" means service performed after December 31, 1952, in the employ of the United States or any instrumentality wholly owned by the United States, except that the term shall not include service performed --

(1) by an elective officer in the executive or legislative branch of the Government of the United States;

(2) as a member of the Armed Forces of the United States;

(3) by foreign service personnel for whom special separation allowances are provided by the Foreign Service Act of 1946 (60 Stat. 999);

(4) prior to January 1, 1955, for the Bonneville Power Administrator if such service constitutes employment under section 3306 (c) of the Internal Revenue Code of 1954;

(5) outside the United States by an individual who is not a citizen of the United States; for the purpose of this paragraph, the term United States means the States, Alaska, Hawaii, the District of Columbia, Puerto Rico, and the Virgin Islands;

(6) by any individual as an employee who is excluded by Executive Order from the operation of the Civil Service Retirement Act of 1930 because he is paid on a contract or fee basis;

(7) by any individual as an employee receiving nominal compensation of \$12 or less per annum;

(8) in a hospital, home, or other institution of the United States by a patient or inmate thereof;

(9) by any individual as an employee included under section 2 of the Act of August 4, 1947 (relating to certain interns, student nurses, and other student employees of hospitals of the Federal Government, 5 U.S.C. sec. 1052);

(10) by any individual as an employee serving on a temporary basis in case of fire, storm, earthquake, flood, or other similar emergency;

(11) by any individual who is employed under a Federal relief program to relieve him from unemployment;

(12) by any individual as a member of a State, county, or community committee under the Production and Marketing Administration or of any other board, council, committee, or other similar body, unless such board, council, committee or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

- 3 -

(13) by an officer or a member of a crew on or in connection with an American vessel: (a) owned by or bare--boat chartered to the United States and (b) whose business is conducted by a general agent of the Secretary of Commerce, if contributions on account of such service are required to be made to an unemployment fund under a State unemployment compensation law pursuant to section 3305 (g) of the Internal Revenue Code of 1954.

(d) "Federal wages" means all remuneration for Federal service, including cash allowances and remuneration in any medium other than cash.

(e) "Official station" means the place designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "headquarters" or "duty station" if it differs from "headquarters." If the form of notification does not specify his "headquarters" or "duty station," his official station shall be the place of employment designated on such form.

(f) "State agency" means any agency administering a State unemployment compensation or employment security law which has entered into an agreement with the Secretary under title XV of the Social Security Act, as Amended, and the agencies in Puerto Rico and the Virgin Islands to which the Secretary has delegated the authority to make determinations of entitlement under title XV.

(g) "Secretary" means the Secretary of Labor of the United States.

(h) "Title XV" means title XV of the Social Security Act, as Amended, entitled "Unemployment Compensation for Federal Employees."

Section 609.2 Information to Federal Employees. Each Federal agency shall:

(a) Furnish information to its employees explaining their rights and responsibilities under title XV;

(b) Complete Standard Form No. 8, "Notice to Separated Federal Employee," in accordance with instructions thereon, and furnish a completed copy of such form to each of its employees at the time of his separation from Federal service.

Section 609.3 Findings by Federal Agency. (a) Upon receipt from a State agency or the Secretary of a "Request for Wage and Separation Information" (Form ES-931), the Federal agency

- 4 -

shall promptly make findings with respect to: (1) Whether the claimant has performed Federal service for that agency during his base period specified on the Form ES-931, (2) The claimant's Federal wages for such base period, by quarters or weeks, as indicated, and (3) The reasons for the termination of his Federal service. It shall thereupon complete all copies of the Form ES-931 received. If the documents necessary for the completion of the Form have been consigned to an agency record center or to the Federal Records Center in St. Louis, the Federal agency shall obtain the necessary information from the records center. Any records center shall give priority to such requests.

(b) Each Federal agency shall maintain such a control of the Forms ES-931 received by it that will enable it to ascertain at any time the number of such Forms that have not been returned to the requesting State agency, or the Secretary, as the case may be, and the date of the receipt of such unreturned Forms by the Federal agency.

(c) Within four working days of the Federal agency's receipt of Form ES-931, it shall complete and return the number of copies of the Form requested to the State agency or to the Secretary, as the case may require. When the completed Form cannot be returned within such time, the Federal agency shall immediately inform the State agency or the Secretary, as the case may require, and shall include an estimate of the time by which the completed Form will be returned.

(d) The findings of the Federal agency made pursuant to section 609.3 (a) of this regulation shall be final and conclusive, unless the claimant requests additional information with respect to, or reconsideration and correction of, such findings in accordance with sections 609.7 (a) and (b) of this regulation.

(e) With the exception of the findings by a Federal agency specified in section 609.3 (a) of this regulation, a claimant's right to compensation under title XV will be determined by the State agency under the applicable provisions of the State unemployment compensation law. Except for the findings by the Federal agency under section 609.3 (a) of this regulation, the determination by a State agency is subject to review in the same manner and to the same extent as other determinations of entitlement under the State unemployment compensation law, unless it is a determination by the State agency of Puerto Rico or the Virgin Islands, in which event it is subject to review in accordance with the regulations of the Secretary.

Section 609.4 Additional Information to State agencies or the Secretary. Each Federal agency shall furnish to a State

- 5 -

agency or the Secretary, as the case may require, any additional information (which it is not otherwise prohibited from releasing by law) that may be necessary for the administration of title XV.

Section 609.5 Allocation of Terminal Annual Leave Payment. The Federal agency shall allocate any lump-sum payment for terminal annual leave over the period for which it was paid. The Federal agency shall follow the procedures described in the Federal Personnel Manual, Sections L 1-3 and L 1-18.02 for computing the terminal annual leave payment to ascertain the last day with respect to which such payment was made.

Section 609.6 Assignment of Federal Service and Federal Wages. (a) When the completed Form ES-931 has been returned to the State agency or Secretary, as the case may require, the claimant's Federal service and Federal wages for the period shown on the Form shall be deemed to have been assigned within the meaning of Section 1504 of title XV. Unless this assignment is in error the Federal wages and Federal service so assigned may not be reassigned to another State.

(b) Each Federal agency shall maintain a control of assignments of Federal service and Federal wages. When an assignment is made the Federal agency shall indicate on the basic document on which it maintains a record of each employee's Federal wages (such as the "Individual Pay Card"), the fact that wages have been assigned, the period concerned, and the State to which assigned.

Section 609.7 Request for Additional Information, Correction and Reconsideration of Findings. (a) If the notice of determination of a claimant's entitlement to unemployment compensation under title XV does not contain sufficient information to enable the claimant to understand the basis for any of the findings made by the Federal agency pursuant to section 609.3 (a) of this regulation, he may, within the time specified in the State unemployment compensation law for appealing from a determination, file a notice of appeal in accordance with the requirements of the applicable State unemployment compensation law and concurrently file a request for more specific information, through the State agency or the Secretary, as the case may require. Upon receipt of this request the Federal agency shall (except where it would be inconsistent with general policies followed in the case of separations for security reasons) furnish to the State agency or the Secretary, as the case may require, such additional information as will enable the claimant to understand the basis for the finding. The Federal agency shall submit such information in the number of copies requested by the State agency or the Secretary, as the case may be.

(b) Any claimant who wishes a Federal agency to reconsider and correct any of its findings made pursuant to section 609.3 (a) of this regulation shall (1) file a notice of appeal in accordance with the requirements of the applicable State unemployment compensation law, and (2) file a written request for such reconsideration and correction, together with such information as supports his request, through the State agency or the Secretary, as the case may require, within the time specified in the unemployment compensation law of the State for appealing from a determination of entitlement to unemployment compensation; provided, that such period may be extended for good cause by the State agency or the Secretary, as the case may be. The Federal agency, immediately upon receipt of a claimant's written request for reconsideration and correction, shall consider the information supplied by the claimant and shall review its findings. The Federal agency shall promptly correct any errors or omissions that it may find, and shall affirm, modify, or reverse any or all of its findings as may be appropriate. It shall then forward the requested number of copies of its reconsidered findings to the State agency or the Secretary, as the case may require.

(c) If at any time within one year after the Federal agency returns a completed Form ES-931 to a State agency or the Secretary, as the case may be, the Federal agency ascertains that any of its findings made pursuant to section 609.3 (a) of this regulation are in error, it shall promptly correct its error and forward its corrected findings to the State agency or the Secretary, as the case may require.

Section 609.8 Appeal by Federal Agency. If the terminating Federal agency believes that a State agency's determination awarding or denying unemployment compensation to a claimant under title XV is incorrect, it may, unless otherwise prohibited by law, appeal from such determination in the same manner and to the same extent as other employers may appeal under the State unemployment compensation law, or if the determination is by the State agency of Puerto Rico or the Virgin Islands, the terminating Federal agency may appeal in accordance with regulations of the Secretary; in no event, however, may the terminating Federal agency appeal from the findings of another Federal agency made pursuant to section 609.3 (a) of this regulation.

- 7 -

Section 609.9 Liaison. To facilitate the Secretary's administration of title XV, each Federal agency shall designate one of its officials to be its liaison with the Secretary.

Effective Date. These regulations shall take effect on January 1, 1955.

Signed at Washington, D. C.

this 29th day of October, 1954

/s/ JAMES P. MITCHELL
Secretary of Labor