

ET HANDBOOK NO. 384

APPENDIX E

Definitions.

(1) "Act" means subchapter II of chapter 85 of title II of chapter 85 of title 5 of the United States Code, 5 U.S.C. 8521-8525.

(2) "Agreement" means the Agreement entered into pursuant to 5 U.S.C. 8502 between a State and the Secretary under which the State agency of the State agrees to make payments of unemployment compensation in accordance with the Act and the regulations and procedures thereunder prescribed by the Department.

(3) "Base period" means the base period as defined by the applicable State law for the benefit year.

(4) "Benefit Year" means the benefit year as defined by the applicable State law, and if not so defined the term means the period prescribed in the Agreement with the State or, in the absence of an Agreement, the period prescribed by the Department.

(5) "Ex-servicemember" means an individual who has performed Federal military service.

(6) "Federal Military Agency" means any of the Armed Forces of the United States, including the Army, Air Force, Navy, Marine Corps and Coast Guard, and the National Oceanic and Atmospheric Administration (Department of Commerce).

(7) "Federal military service" means active service (not including active duty in a reserve status unless for a continuous period of 90 days or more) in the Armed Forces or Commissioned Corps of the National Oceanic and Atmospheric Administration if with respect to that service-

(i) The individual was discharged or released under honorable conditions (and, if an officer, did not resign for the good of the service); and

(ii) (A) The individual was discharged or released after completing his/her first full term of active service which the individual initially agreed to serve, or

ET HANDBOOK NO. 384

APPENDIX E

(B) The individual was discharged or released before completing such term of active service-

(1) For the convenience of the Government under an early release program,

(2) Because of medical disqualification, pregnancy, parenthood, or any service-incurred injury or disability,

(3) Because of hardship, or

(4) Because of personality disorder or inaptitude but only if the service was continuous for 365 days or more.

(8) "Federal military wages" means all pay and allowances in cash and in kind for Federal military service, computed on the basis of the pay and allowances for the pay grade of the individual at the time of his or her latest discharge or release from Federal/military service, as determined in accordance with the Schedule of Remuneration applicable at the time the individual files his or her first claim for compensation for a benefit year.

(9) "First claim" means an initial claim for unemployment compensation under the UCX Program, the UCFE Program (5 U.S.C. 8501 et seq and 20 CFR Part 609) or a State law, or some combination thereof, first filed by an individual after the individual's latest discharge or release from Federal military service, whereby a benefit year is established under an applicable State law.

(10) "Military Document" means an official document or documents issued to an individual by a Federal military agency relating to the individual's Federal military service and discharge or release from such service.

(11) "Period of active service" means a period of continuous active duty (including active duty for training purposes) in a Federal military agency or agencies, beginning with the date of entry upon active duty and ending on the effective date of the first discharge or release thereafter which is not qualified or conditional.

ET HANDBOOK NO. 384

APPENDIX E

(12) "Schedule of Remuneration" means the schedule issued by the Department from time to time under 5 U.S.C. 8521(a)(2) and 20 CFR Part 614 which specifies for purposes of the UCX Program, the pay and allowances for each pay grade of servicemember.

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

(14) "State" means the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(15) "State agency" means the agency of the State which administers the applicable State unemployment compensation law and is administering the UCX Program in the State pursuant to an Agreement with the Secretary.

(16) "Applicable State" means the State to which the individual's Federal military service and Federal military wages are assigned or transferred.

(17) "State law" means the unemployment compensation law of a State approved by the Secretary under section 3304 of the Internal Revenue Code of 1954, 26 U.S.C. 3304, if the State is certified under section 3304(c) of the Internal Revenue Code of 1954, 26 U.S.C. 3304(c).

(18) "Applicable State law" means the State law made applicable to a UCX claimant by reason of his/her Federal military service and Federal military wages being assigned or transferred to that State.

(19) "Unemployment compensation means cash benefits (including dependents allowances) payable to individuals with respect to their unemployment, and includes regular, additional, emergency, and extended compensation.

(i) "Regular compensation" means unemployment compensation payable to an individual under any State law, but not including additional compensation or extended compensation.

(ii) "Additional compensation" means unemployment compensation totally financed by a State and payable under a State law by reason of conditions of high unemployment or by reason of other special factors.

ET HANDBOOK NO. 384

APPENDIX E

(iii) "Emergency compensation" means supplementary unemployment compensation payable under a temporary Federal law after exhaustion of regular and extended compensation.

(iv) "Extended compensation" means unemployment compensation payable to an individual for weeks of unemployment in an extended benefit period, under those provisions of a State law which satisfy the requirements of the Federal-State Extended Unemployment Compensation Act of 1970, as amended, 26 U.S.C. 3304 note, and 20 Part 615 with respect to the payment of extended compensation.

(20) "Unemployment Compensation for Ex-servicemember" means the unemployment compensation payable under the Act to claimants eligible for the payments, and is referred to as "UCX."

(21) "Week" means, for purposes of eligibility for and payment of UCX, a week as defined in the applicable State law.

(22) "Week of unemployment" means, a week of total, part-total, or partial unemployment as defined in the applicable State law, which shall be applied in the same manner and to the same extent for the purposes of the UCX Program, as if the individual filing for UCX were filing a claim for State unemployment compensation.