

1975—Pub. L. 94-183, §2(42), Dec. 31, 1975, 89 Stat. 1059, substituted “Repealed” for “Accrued leave” in item 8524.

SUBCHAPTER I—EMPLOYEES GENERALLY

§ 8501. Definitions

For the purpose of this subchapter—

(1) “Federal service” means service performed after 1952 in the employ of the United States or an instrumentality of the United States which is wholly or partially owned by the United States, but does not include service (except service to which subchapter II of this chapter applies) performed—

(A) by an elective official in the executive or legislative branch;

(B) as a member of the armed forces or the Commissioned Corps of the National Oceanic and Atmospheric Administration;

(C) by members of the Foreign Service for whom payments are provided under section 609(b)(1) of the Foreign Service Act of 1980;

(D) outside the United States, the Commonwealth of Puerto Rico, and the Virgin Islands by an individual who is not a citizen of the United States;

(E) by an individual excluded by regulations of the Office of Personnel Management from the operation of subchapter III of chapter 83 of this title because he is paid on a contract or fee basis;

(F) by an individual receiving nominal pay and allowances of \$12 or less a year;

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

(H) by a student-employee as defined by section 5351 of this title;

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

(J) by an individual employed under a Federal relief program to relieve him from unemployment;

(K) as a member of a State, county, or community committee under the Agricultural Stabilization and Conservation Service or of any other board, council, committee, or other similar body, unless the board, council, committee, or other body is composed exclusively of individuals otherwise in the full-time employ of the United States; or

(L) by an officer or a member of the crew on or in connection with an American vessel—

(i) owned by or bareboat chartered to the United States; and

(ii) whose business is conducted by a general agent of the Secretary of Commerce;

if contributions on account of the service are required to be made to an unemployment fund under a State unemployment compensation law under section 3305(g) of title 26;

(2) “Federal wages” means all pay and allowances, in cash and in kind, for Federal service;

(3) “Federal employee” means an individual who has performed Federal service;

(4) “compensation” means cash benefits payable to an individual with respect to his unemployment including any portion thereof payable with respect to dependents;

(5) “benefit year” means the benefit year as defined by the applicable State unemployment compensation law, and if not so defined the term means the period prescribed in the agreement under this subchapter with a State or, in the absence of such an agreement, the period prescribed by the Secretary of Labor;

(6) “State” means the several States, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands;

(7) “United States”, when used in a geographical sense, means the States; and

(8) “base period” means the base period as defined by the applicable State unemployment compensation law for the benefit year.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 585; Pub. L. 94-566, title I, §116(e)(1), title II, §214(b), Oct. 20, 1976, 90 Stat. 2672, 2678; Pub. L. 95-454, title IX, §906(a)(2), Oct. 13, 1978, 92 Stat. 1224; Pub. L. 96-215, §4(a), Mar. 25, 1980, 94 Stat. 124; Pub. L. 96-465, title II, §2314(h), Oct. 17, 1980, 94 Stat. 2168.)

HISTORICAL AND REVISION NOTES

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	42 U.S.C. 1361.	Sept. 1, 1954, ch. 1212, §4(a) “Sec. 1501”, 68 Stat. 1130. Aug. 28, 1958, Pub. L. 85-848, §2, 72 Stat. 1087. July 12, 1960, Pub. L. 86-624, §30(g), 74 Stat. 420. Sept. 13, 1960, Pub. L. 86-778, §§531(e), 542(d), 74 Stat. 984, 986.

Clause (4) of former section 1361(a) is omitted as obsolete.

In paragraph (1)(A), the word “official” is substituted for “officer” because of the definition of “officer” in section 2104. The words “of the Government of the United States” are omitted as unnecessary.

In paragraph (1)(E), the words “by regulations of the Civil Service Commission from the operation of subchapter III of chapter 83 of this title” are substituted for “by Executive order from the operation of the Civil Service Retirement Act of 1930” on authority of the Civil Service Retirement Act Amendments of 1956, which are carried into subchapter III of chapter 83.

In paragraph (1)(K), the words “Agricultural Stabilization and Conservation Service” are substituted for “Production and Marketing Administration” on authority of Secretary’s memorandum 1320, supp. 4 of November 2, 1953.

In paragraph (1)(L), the words “section 1606(g) of Title 26, Internal Revenue Code of 1939” in former section 1361(a)(13) are omitted as obsolete.

The last sentence of former section 1361 is omitted as its substance is included in paragraph (1)(D).

Former section 1361(f) is omitted as unnecessary as the full title of the Secretary of Labor is set out the first time it is used in each section.

Paragraphs (6) and (7) are added on authority of section 1101(a)(1), (2) of the Act of Aug. 14, 1935, ch. 531, 49 Stat. 647, as amended; 42 U.S.C. 1301(a)(1), (2).

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

REFERENCES IN TEXT

Section 609(b)(1) of the Foreign Service Act of 1980, referred to in par. (1)(C), is classified to section 4009(b)(1) of Title 22, Foreign Relations and Intercourse.

AMENDMENTS

1980—Par. (1)(B). Pub. L. 96-215 inserted “or the Commissioned Corps of the National Oceanic and Atmospheric Administration” after “armed forces”.

Par. (1)(C). Pub. L. 96-465 substituted “members of the Foreign Service for whom payments are provided under section 609(b)(1) of the Foreign Service Act of 1980” for “Foreign Service personnel for whom special separation allowances are provided under chapter 14 of title 22”.

1978—Par. (1)(E). Pub. L. 95-454 substituted “Office of Personnel Management” for “Civil Service Commission”.

1976—Par. (6). Pub. L. 94-566, §116(e)(1), added the Virgin Islands in definition of “State”.

Par. (8). Pub. L. 94-566, §214(b), added par. (8).

EFFECTIVE DATE OF 1980 AMENDMENTS

Amendment by Pub. L. 96-465 effective Feb. 15, 1981, except as otherwise provided, see section 2403 of Pub. L. 96-465, set out as an Effective Date note under section 3901 of Title 22, Foreign Relations and Intercourse.

Pub. L. 96-215, §4(c), Mar. 25, 1980, 94 Stat. 124, provided that: “The amendments made by this section [amending this section and section 8521 of this title] shall apply with respect to assignments of services and wages pursuant to any first claim (for a benefit year) which is filed after the date of the enactment of this Act [Mar. 25, 1980].”

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-454 effective 90 days after Oct. 13, 1978, see section 907 of Pub. L. 95-454, set out as a note under section 1101 of this title.

EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by section 116(e)(1) of Pub. L. 94-566 applicable with respect to benefit years beginning on or after the later of Oct. 1, 1976, or the first day of the first week for which compensation becomes payable under an unemployment compensation law of the Virgin Islands which is approved by the Secretary of Labor under section 3304(a) of Title 26, Internal Revenue Code, see section 116(f)(3) of Pub. L. 94-566, set out as a note under section 3304 of Title 26.

Pub. L. 94-566, title II, §214(c), Oct. 20, 1976, 90 Stat. 2678, provided that: “The amendments made by this section [amending this section and section 8505 of this title] shall apply with regard to compensation paid on the basis of claims for compensation filed on or after July 1, 1977”.

TEMPORARY 1990 CENSUS SERVICES CONSTITUTING FEDERAL SERVICE

Determination respecting temporary 1990 census services as Federal service for purposes of this subchapter, see section 141 of Pub. L. 101-382, set out as a note under section 23 of Title 13, Census.

§ 8502. Compensation under State agreement

(a) The Secretary of Labor, on behalf of the United States, may enter into an agreement with a State, or with an agency administering the unemployment compensation law of a State, under which the State agency shall—

(1) pay, as agent of the United States, compensation under this subchapter to Federal employees; and

(2) otherwise cooperate with the Secretary and with other State agencies in paying compensation under this subchapter.

(b) The agreement shall provide that compensation will be paid by the State to a Federal employee in the same amount, on the same terms, and subject to the same conditions as the

compensation which would be payable to him under the unemployment compensation law of the State if his Federal service and Federal wages assigned under section 8504 of this title to the State had been included as employment and wages under that State law.

[(c) Repealed. Pub. L. 90-83, §1(86)(B), Sept. 11, 1967, 81 Stat. 218.]

(d) A determination by a State agency with respect to entitlement to compensation under an agreement is subject to review in the same manner and to the same extent as determinations under the State unemployment compensation law, and only in that manner and to that extent.

(e) Each agreement shall provide the terms and conditions on which it may be amended or terminated.

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 586; Pub. L. 90-83, §1(86), Sept. 11, 1967, 81 Stat. 218.)

HISTORICAL AND REVISION NOTES
1966 ACT

<i>Derivation</i>	<i>U.S. Code</i>	<i>Revised Statutes and Statutes at Large</i>
.....	42 U.S.C. 1362.	Sept. 1, 1954, ch. 1212, §4(a) “Sec. 1502”, 68 Stat. 1131. Sept. 13, 1960, Pub. L. 86-778, §542(b)(1)(A), 74 Stat. 985.

In subsection (a), the words “under this subchapter” are substituted for “on the basis provided in subsection (b) of this section”.

In subsection (b), the words “with respect to unemployment after December 31, 1954” are omitted as obsolete.

In subsection (c), the words “with respect to unemployment after December 31, 1960” are omitted as obsolete. In the last sentence, the application to section 8503(b) is omitted and carried into that section.

Standard changes are made to conform with the definitions applicable and the style of this title as outlined in the preface to the report.

1967 ACT

This section amends 5 U.S.C. 8502 to eliminate certain provisions that are now obsolete. The obsolete provisions were based on section 542(b)(1)(A) of the act of September 13, 1960, 74 Stat. 985, that amended section 1502(b) of the Social Security Act effective January 1, 1961, but only in the case of weeks of unemployment beginning before January 1, 1966. Any existing rights are preserved by section 7 of this bill.

§ 8503. Compensation absent State agreement

(a) In the case of a Federal employee whose Federal service and Federal wages are assigned under section 8504 of this title to a State which does not have an agreement with the Secretary of Labor, the Secretary, under regulations prescribed by him, shall, on the filing by the Federal employee of a claim for compensation under this subsection, pay compensation to him in the same amount, on the same terms, and subject to the same conditions as would be paid to him under the unemployment compensation law of the State if his Federal service and Federal wages had been included as employment and wages under that State law. However, if the Federal employee, without regard to his Federal service and Federal wages, has employment or wages sufficient to qualify for compensation during the benefit year under that State law, then payments of compensation under this sub-