

U.S. DEPARTMENT OF LABOR Employment and Training Administration Washington, D.C. 20213	CLASSIFICATION
	UI/UCFE/UCX
	CORRESPONDENCE SYMBOL
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DIRECTIVE : UNEMPLOYMENT INSURANCE PROGRAM LETTER NO. 11-86

TO : ALL STATE EMPLOYMENT SECURITY AGENCIES

FROM : *Barbara Ann Farmer*
 BARBARA ANN FARMER
 Acting Administrator
 for Regional Management

SUBJECT : UCFE-UCX Application of "Between and Within
 Terms" Denial Provisions of State Laws to
 Employees of Federally-Operated Schools

1. Purpose. To clarify previous instructions concerning the application of the Between and Within Terms denial provisions to teachers and school personnel filing under UCFE and UCX.

2. References. 26 U.S.C. 3304(a)(6)(A)(i)-(iv), 3306(c)(8), 3309(a)(1); 5 U.S.C. 8502(b), 8521(b); 20 CFR 609.9(a), 20 CFR 614.9(a); Part V of ES Manual; ET Handbook 391; ET Handbook 384; and UIPL 16-82.

3. Background. The "equal treatment" provision of 5 U.S.C. 8502 requires State agencies to take claims and pay benefits to Federal civilian and military personnel (UCFE and UCX, respectively) "...in the same amount, on the same terms, and subject to the same conditions..." of the State law which applies to unemployed claimants who worked in the private sector.

The required between and within terms denial clause in Section 3304(a)(6)(A) of 26 U.S.C. apply to educational institutions of the State, of political subdivisions of the State, and of nonprofit organizations exempt from FUTA under 26 U.S.C. 3306(c)(8). The clauses in Section 3304(a)(6)(A) can only be made applicable to other educational institutions, including those federally-operated, by amending the State law.

If the State law is not amended to apply to all educational institutions, the State may not apply its between and within terms provisions to claimants on the basis of work for and a reasonable assurance of reemployment by all such institutions. If the State law is so amended, employees of all educational institutions

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would be subject to denial of UCFE and UCX benefits under the same terms and conditions.

4. Action Required. Each SESA should ensure that its 3304(a)(6)(A) denial provisions affecting Federal claimants, UCFE and UCX, are handled in accordance with the provisions of State law applicable to educational institutions not covered by Section 3304(a)(6)(A), in the same manner as applied to private sector claimants under the State law.

5. Inquiries. Inquiries should be made to the appropriate regional office.