

FEDERAL FURLOUGHS - UCFE FACT SHEET

Current as of September 2023

Unemployment Benefits Eligibility

Am I eligible for Unemployment Benefits?

If you are a Federal employee who is furloughed due to a lapse in appropriations, you may be eligible for Unemployment Compensation for Federal Employees (UCFE).

The UCFE program is administered by state unemployment insurance (UI) agencies acting as agents of the Federal Government. To see if you qualify for UCFE benefits, you may apply for UCFE benefits with the state where you had your last official duty station in Federal civilian service, on or after the first day you are furloughed and placed in a non-pay status.

State UI laws regarding eligibility vary. The state where you file your claim will determine your eligibility. In general, furloughed employees who are not working should be eligible if all other state eligibility factors are met. Additional information is available in Unemployment Insurance Program Letter (UIPL) No. 03-22, available at <https://www.dol.gov/agencies/eta/advisories/unemployment-insurance-program-letter-no-03-22>.

All individuals who have filed for UCFE, including "Excepted Intermittent" employees, must report any earnings received from work while they are claiming UCFE. This includes earnings from excepted work during a furlough even if you have not yet been paid, as well as earnings from other non-federal work.

Are exempt or excepted employees who are working full-time eligible for UCFE?

No, exempt and excepted Federal employees working full-time during a lapse in appropriations are not "unemployed" for UC purposes and are therefore ineligible to receive UCFE benefits.

Am I eligible for UCFE if I am an excepted Federal employee, but I only work part-time or intermittently during the shutdown?

If you are classified as an “Excepted Intermittent” employee and you are working less than full-time, you may be eligible for some or all of your benefits depending on the hours of work, the amount of wages, and the laws of the state in which you file your UCFE claim. You will be required to report all earnings to your State UI office, even if you have not yet been paid due to the lapse in funding.

How do I file a UCFE claim?

You need to contact the state of your last official duty station in Federal civilian service to file a claim. To find contact information for your state, please visit the following website: <https://www.careeronestop.org/LocalHelp/service-locator.aspx>.

These are documents and/or information that you may find it very helpful to obtain prior to your last day of employment that can help in filing your UCFE claim:

- Your pay stubs (often called a Leave and Earning Statements) covering the past 12 months. This can generally be downloaded from your agency’s payroll provider’s website.
- A copy of your most recent SF-50, Notification of Personnel Action, or equivalent form
- Official Name and Address of Employing Federal Agency (this is the Employing Agency found in cell #49 on the SF-50, for example, “The US Department of Labor”)
- Official Name and Address of Component or Employing Department, if different (this is the “Name and Location of Position’s Organization”, for example “The Employment and Training Administration” found in cell #22 on the SF-50)
- Your Last Official Duty Station (this is the “Duty Station (City – County – State or Overseas Location” found in cell #39 on the SF-50)
- Contact information for your agency’s human resource personnel who can provide assistance to the state where you filed your claim during the shutdown

If you don’t have these documents at the time you file your claim, you may be asked to provide other proof of wages, such as an earnings and leave

statement or a prior year's *W-2, Wage and Tax Statement*. The state unemployment agency may also ask you to complete an affidavit certifying that you are unemployed due to the lapse in appropriations and that the wage information you provided is correct.

What is the weekly amount of UCFE benefits paid, and how long will benefits last?

The weekly UCFE benefit is calculated based on your prior earnings; the maximum amount of UCFE is determined by state law. Many states pay a maximum of 26 weeks of benefits. Once an appropriation is made and you return to work full-time, you are no longer eligible for benefits regardless of whether you have yet received a paycheck.

How soon will benefits be paid?

Some states require individuals to serve a waiting week, which means that after a claim is approved, the first week you would be entitled to benefits is an unpaid week. In general, if you are determined eligible for benefits, most states will issue payments to you within 14-21 days after the claim is approved.

Retroactive Payment of Wages

Will I be required to repay the unemployment benefits I receive once the retroactive wages are paid for the time that I was not working during the lapse in appropriations?

In most States, including the District of Columbia, employees who receive unemployment benefits and later receive a retroactive payment from their employer for the same time period, will be required to repay the UI benefits received.

The State UI agency determines whether an overpayment exists and, generally, the recovery of the overpayment is a matter for State action under its law; however, some State UI laws require the employer to recover such overpayment directly out of the employee's pay.

Can an employee's wages be garnished if there is an overpayment of benefits?

Yes, if the State law provides for wage garnishments. However, employees will be given the opportunity to voluntarily repay the overpayment first before the State proceeds with garnishment.

If I am overpaid benefits, will I be required to repay the entire amount all at once?

Repayment terms depends on the State requirements; most States allow an individual to set up a repayment agreement to satisfy the overpayment.

Cancellation of UI Claim

Is it possible to cancel my UI claim once the Government shutdown has ended?

It depends on the State UI law and the status of your claim. Most States will not allow cancellation of a UI claim if the (weekly/bi-weekly) continued claim certification has been made and/or any benefit payment(s) issued.

I have not yet received any UI payments; how can I find out the status of my claim?

Contact the State UI agency where you filed your claim to inquire about the status of your claim. Please visit the following website:

<https://www.careeronestop.org/LocalHelp/service-locator.aspx>.