

Signed at Washington, DC, this 10th day of February, 2000.

Grant D. Beale,

Program Manager, Division of Trade Adjustment Assistance.

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DEPARTMENT OF LABOR

Employment and Training Administration

Unemployment Compensation for Ex-servicemembers (UCX) Program: Unemployment Insurance Program Letter Amending the Consolidated List of "Acceptable" Narrative Reasons for Separation Transmitted in UIPL No. 3-95, Change 2 To Include Separations From the Army Under the Army National Guard Combat Reform Initiative Program

ETA has responsibility for administration of the UCX program, providing unemployment compensation benefits for ex-servicemembers. ETA issues interpretations affecting the UCX program in Unemployment Insurance Program Letters (UIPLs) to the State Employment Security Agencies (SESAs). The UIPL described below is published in the **Federal Register** in order to inform the public.

UIPL 9-95, Change 3

To be eligible for UCX, an ex-servicemember must, among other requirements, meet the definition of "Federal service." This requires that the servicemember be separated under honorable conditions and have completed a first full term of service. If separated before completing the first full term, the separation must be for, among other reasons, "the convenience of the Government under an early release program."

The Department of Labor was recently notified by the Department of the Army of an ongoing program called the Army National Guard Combat Reform Initiative (ANGCRI). It is an early release program for the convenience of the Government mandated by Congress that directs the Army to release at least 150 lieutenants each year so they can serve the remainder of their active duty obligation in the National Guard. The narrative reason, Miscellaneous/General Reasons, is used on DD Forms 214 for those lieutenants who separate from active duty before completing their first full term under the ANGCRI program. The program started with separations occurring May 1, 1999, through September 30, 1998 (FY 98 Program), and May 1, 1999, through September 30,

1999 (FR 99 Program) program. This program will be ongoing. Consequently, UIPL No. 3-95 Change 3 was transmitted to all SESAs to amend the consolidated list of narrative reasons for separation transmitted to all SESAs in UIPL 3-95 Change 2.

Dated: February 15, 2000.

Raymond L. Bramucci,

Assistant Secretary of Labor.

U.S. Department of Labor, Employment and Training Administration, Washington, D.C. 20210

Classification: UI

Correspondence Symbol: TEUPDI

Date: February 17, 2000

Directive: Unemployment Insurance Program

Letter No. 3-95, Change 3

To: All State Employment Security Agencies

From: Grace A. Kilbane, Administrator,

Office of Workforce Security

Subject: UCX Narrative Reasons for Separation from Military Service

1. *Purpose.* to amend the consolidated list of "acceptable" narrative reasons for separation transmitted in Unemployment Insurance Program Letter (UIPL) No. 3-95 and UIPL No. 3-95, Changes 1 and 2 to include separations from the Army under the Army National Guard Combat Reform Initiative (ANGCRI) program.

2. *References.* UIPL No. 3-95; UIPL No. 3-95, Changes 1 and 2; 5 U.S.C. 8521(a)(1); 20 CFR Part 614; Section 1111 of P.L. 102-484; and Section 514 of P.L. 104-106.

3. *Background.* The Department of the Army recently notified the Department of Labor (DOL) of an ongoing program, ANGCRI, under which Congress directed the Army to release early at least 150 lieutenants each year so they can serve the remainder of their active duty obligation in the National Guard. This program started with separations occurring May 1, 1998, through September 30, 1998 (FY 98 Program) and May 1, 1999, through September 30, 1999, (FY 99 Program). This program will be ongoing every year. The narrative reason "Miscellaneous/General Reasons" is used on DD Forms 214 of those lieutenants separating from active duty before completing their first full term under this program. However, there is no other information on these lieutenants' DD Forms 214 to indicate that they are separated under the ANGCRI program.

4. *Instructions.* DOL has determined that separations under the ANGCRI program are for the convenience of the government under an early release/force reduction program. Thus, Army lieutenants separated from active duty under this program meet the definition of "Federal service" under 5 U.S.C.

8521(a)(1)(B)(ii)(I). Separations under the ANGCRI program occurred between May 1, 1998, through September 30, 1998, and May 1, 1999, through September 30, 1999, and they will continue every year thereafter for the May 1 through September 30 period. Item (Block) 28 ex-servicemembers DD Forms 214 separated under the ANGCRI program will contain the narrative reason for separation "Miscellaneous/General Reasons." However,

since there is no information on the DD Form 214 that indicates separation from active duty under the ANGCRI program, the SESA must require the ex-servicemember to provide it with "Orders to Report" and "Orders of Release" or "Orders to Report" containing an endorsement of release which contain information that the servicemember was discharged under the ANGCRI program.

The contents of this directive will also be issued as a Change 19 to *ET Handbook No. 384, Second Edition.*

5. *Effective Date.* The amendment to the consolidated list of "acceptable" narrative reasons for separation contained in this Change 3 to UIPL 3-95 shall be effective for all initial claims filed on and after the date of this directive. However, where State law permits, monetary determination or redetermination must be issued when a claimant requests a determination or redetermination on a new or previously denied claim or files an additional or renewed claim for benefits. Any determination or redetermination of monetary eligibility must be based on the list of "acceptable" narrative reasons for separation attached to this Change 3 of UIPL 3-95.

Determinations or redeterminations required by this Change 3 to UIPL 3-95 may result in the payment of benefits for retroactive weeks of unemployment to ex-servicemembers separated under the ANGCRI program. The reason for this is that the category of servicemembers separated under the ANGCRI program (which fits within the scope of discharges for the convenience of the government under an early release program) was inadvertently left off the list of narrative reasons for separation issued with UIPL 3-95, Change 2.

6. *Action Required.* SESAs are required to:

a. Distribute the contents of this directive and the attachment to all appropriate staff members.

b. Destroy the Attachment to UIPL 3-95 Change 2 and utilize the Attachment to this Change 3 to UIPL 3-95.

c. Announce in a newspaper of general circulation, and in other appropriate media such as veterans publications, the application of the operating instructions contained in this directive and their effect on UCX eligibility. The announcements shall include mention of the authority under 20 CFR 614.9(a) to issue determinations or redeterminations.

7. *Inquiries.* Direct inquiries to the appropriate Regional Office.

8. *Attachment.* Revised List of "Acceptable" Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)-(IV).

Attachment

Narrative Reasons for Separation

"Acceptable" Narrative Reasons for Separation Meeting the Requirements of 5 U.S.C. 8521(a)(1)(B)(ii)(I)-(IV).

For the convenience of the government under an early release program (5 U.S.C. 8521(a)(1)(b)(ii)(I)):

Medal of Honor Recipient
Completion of Required Active Service
Insufficient Retainability (Economic Reasons)

Reduction in Force
To Attend School
Holiday Early Release Program
Defective Enlistment Agreement
Erroneous Entry (Other)
Intradepartmental Transfer*
Miscellaneous/General Reasons** (see below)

Because of medical disqualification, pregnancy, parenthood, or Service-incurred injury or disability (5 U.S.C.

8521(a)(1)(B)(ii)(II)):

Pregnancy or Childbirth
Parenthood or Custody of Minor Children
Conditions, not Disability
Disability, Severance Pay
Disability, Permanent
Disability, Temporary
Disability, Existed Prior to Service, PEB
Disability, Existed Prior to Service, Med BD
Disability, Aggravated
Disability, Other

Because of hardship (5 U.S.C.

8521(a)(1)(B)(ii)(III)):

Surviving Member
Hardship

Because of personality disorders or inaptitude, but only if the service was continuous for 365 days or more (5 U.S.C.
8521(a)(1)(B)(ii)(IV)):

Personality Disorder

The following are narrative reasons for separation that DOL has determined constitute "inaptitude" within the meaning of 5 U.S.C. 8521(a)(1)(b)(ii)(IV):

Conscientious Objector
Weight Control Failure
Ecclesiastical Endorsement
Secretarial Authority
Physical Standards
Erroneous Entry, Alcohol Abuse
Erroneous Entry, Drug Abuse
Non-selection, Permanent Promotion
Non-selection, Temporary Promotion
Failure to Complete a Commission or Warrant Program
Failure to Complete a Course of Instruction
Unsatisfactory Performance
Substandard Performance
Personal Alcohol Abuse
Alcohol Rehabilitation Failure
Drug Rehabilitation Failure
Military Personnel Security Program
Homosexual Admission
Homosexual Act
Non-retention on Active Duty

Effective Date: The narrative reasons for separation that the Department of Labor (DOL) has determined constitute "inaptitude" within the meaning of 5 U.S.C. 8521(a)(1)(B)(ii)(IV), listed above, shall be effective for all initial claims filed on and after the November 10, 1998, issuance date of UIPL No. 3-95, Change 2.

* Effective for separations on or after September 1, 1994.

** Pertaining only to Army Lieutenants' separations under the ANGCR program occurring May 1, 1998 through September 30, 1998 and May 1, 1999 through September 30, 1999, and every year thereafter for the May 1 through September 30 period. Also requires "Orders to Report" and "Orders of Release" or "Orders to Report" containing an endorsement of release to be presented to the SESA indicating the servicemember was discharged under the ANGCR program.

Where State law permits, new eligibility determinations must be issued when: (1) a claimant requests a determination or redetermination on a new or previously denied claim, or files an additional or renewed claim for benefits, and (2) the claimant's military service is recent enough to support a current claim for unemployment benefits.

However, benefits payable based upon a narrative reason for separation that DOL has determined constitutes "inaptitude" will be payable only for weeks of unemployment beginning after November 10, 1998.

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DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218-0007 2000]

Proposed Information Collection Request Submitted for Public Comment and Recommendations; Reporting of Fatality or Multiple Hospitalization Incidents (1218-0007)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA 95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of approval for the paperwork requirements of 29 CFR 1904.8, Reporting of Fatality or Multiple Hospitalization Incidents. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the **ADDRESS** section of this notice.

DATES: Written comments must be submitted to the office listed below in the **ADDRESS** section on or before April 24, 2000.

The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

- Enhance the quality, utility, and clarity of the information to be collected; and

- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 1218-0007 2000, U.S. Department of Labor, Room N-2625, 200 Constitution Avenue, NW, Washington, D.C. 20210, telephone: (202) 693-2350. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 693-1648.

FOR FURTHER INFORMATION CONTACT: Dave Schmidt, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3644, 200 Constitution Avenue, NW, Washington, DC 20210, telephone: (202) 693-1886. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Dave Schmidt at (202) 693-1886 or Todd Owen at (202) 693-2444. Contact OSHA's WebPage on the Internet at http://www.osha-slc.gov/OCIS/Info_coll.html for electronic copies of the Reporting of Fatality or Multiple Hospitalization Incidents information collection request.

SUPPLEMENTARY INFORMATION:

I. Background

OSHA promulgated regulation 29 CFR 1904.8 which currently requires employers to report any death of an employee from a work related incident or the in-patient hospitalization of three or more employees as a result of a work related incident to OSHA within 8 hours. OSHA investigates such incidents in order to provide the Agency with information on the causes of employment fatalities and serious injuries, to identify and require