

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Department of Labor

Rule No. 480-4-3-.22

Rule Title: Between Term Denials

_____ New X Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Steph McCk

Date 10-20-14

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-4-3-.22 Between Terms Denials.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to further define the parameters for notifying the Alabama Department of Labor for claimants return to work status.

TIME, PLACE, MANNER OF PRESENTING VIEWS: All interested persons may submit data, views, or arguments in writing to Stephen McCormick, Department of Labor, 649 Monroe Street, Montgomery, Alabama 36131 by mail or in person between the hours of 8:00 am and 4:30 pm, Monday through Friday until and including December 08, 2014. Persons wishing to submit data, views or arguments orally should contact Stephen McCormick by telephone at (334) 242-8274 during this period to arrange an appointment.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: December 08, 2014.

CONTACT PERSON AT AGENCY:

Stephen McCormick
Department of Labor
649 Monroe Street
Montgomery, AL 36131
Telephone: (334) 242-8274



Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-4-3
BENEFITS

480-4-3-.22 Between Terms Denials.

(1) If an individual has been denied benefits by reason of Section 25-4-70(b)(2) or Section 25-4-70(b)(5) of the Unemployment Compensation Law and such individual is given notice that the opportunity to return to work was not given or was withdrawn by the educational institution, governmental entity, or non-profit organization in connection with which such disqualification was assessed, such individual may be eligible for retroactive payment of previously denied benefits provided such individual notifies the ~~Director~~ Commissioner of the withdrawal of reasonable assurance of reemployment or failure to reemploy in the following manner:

(a) Such notice ~~must be in person~~ may be by mail, fax, or other acceptable means approved by the Commissioner.

(b) Such notice must be substantiated by a written notice from the educational institution, governmental entity, or non-profit organization.

(c) Such notice to the ~~Director~~ Commissioner must be made within 5 calendar days of the date the individual received such notice.

(2) In extenuating circumstances, the ~~Director~~ Commissioner, at his discretion, may extend the time for accepting such notice from the claimant.

(3) Nothing in this rule shall be interpreted to relieve a claimant of making an active search for work and meeting all other eligibility requirements for the period for which such payments are claimed.

Author: John B. Benton; Thomas Daniel, Director Unemployment Compensation Director.

Statutory Authority: Code of Ala. 1975, §§25-2-7, 25-2-8, 25-4-111.

History: Amended: December 10, 1984. **New Rule:** August 10, 1983.

Emergency Amendment: Effective: October 23, 1984. **Amended:** Filed October 20, 2014; **Effective:**