

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Department of Labor
Rule No. 480-4-3-.14
Rule Title: Payment of Benefits to Interstate Claimants

_____ 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 _____/s Stephen McCormick_____

Date 9-19-13_____

APA-2
07/04

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-4-3-.14 Payment of Benefits to Interstate Claimants.

INTENDED ACTION: Amendment.

SUBSTANCE OF PROPOSED ACTION: The adoption is necessary to update the procedures for the payment of benefits for those who file interstate claims for unemployment compensation benefits.

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 November 08, 2013. 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: November 08, 2013

CONTACT PERSON AT AGENCY:

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

_____/s Stephen McCormick_____
Stephen McCormick
Director, Governmental Affairs

ALABAMA DEPARTMENT OF LABOR
ADMINISTRATIVE CODE

CHAPTER 480-4-3
BENEFITS

480-4-3-.14 Payment Of Benefits To Interstate Claimants.

(1) This rule shall govern the Alabama Department of ~~Industrial Relations~~ Labor in its administrative cooperation with other States adopting a similar regulation for the payment of benefits to interstate claimants. For more detailed instructions, see ETA Handbook 392.

(a) Registration for Work.

1. ~~Each interstate claimant shall be registered for work through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. Such regulation shall be accepted as meeting the registration requirements of the liable state. An interstate claimant will be considered as registered for work if the claimant is registered for work in the Agent State in the same way and to the same extent as the Agent State's intrastate claimants.~~

2. ~~Each agent state shall duly report, to the liable state in question, whether each interstate claimant meets the registration requirements of the agent state. The detailed instructions regarding work search requirements are found in the ETA Handbook 392, Section I, Subsection 12 and 13, and are not repeated here for brevity.~~

(b) Benefit Rights of Interstate Claimants.

1. If a claimant files a claim against any state, and it is determined by that state that the claimant has available benefit wage credits in that state, the claim shall be filed only against such state as long as benefit wage credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit wage credits.

For the purpose of this rule, benefit wage credits shall be deemed to be unavailable whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable, or whenever benefits are affected by the application of a seasonal restriction.

(c) Claims for Benefits.

1. Initial, Traditional, Additional, and Reopen Claims for benefits or waiting period shall be filed by interstate claimants ~~on uniform interstate claim forms and in accordance with uniform procedures developed pursuant to the Interstate Benefit Payment Plan via telephone or internet in the Liable State.~~ Claims shall be filed in accordance with the type of week in use in the agent state. Any adjustments required to fit the type of week in use by the liable state shall be made by the liable state on the basis of consecutive claims filed. The Agent State will file IB-1's for the Virgin Islands and the state of Delaware for the above claim types (see ETA Handbook 392, Section II).

2. Continued Claims shall be filed in accordance with ~~agent-Liable sState's~~ regulations for intrastate claims ~~in local employment offices, or at an itinerant point, or by mail.~~

~~(i) With respect to claims for weeks of unemployment in which individual was not working for his/her regular employer, the liable state shall, under circumstances which it considers good cause, accept a continued claim filed up to one week, or one reporting period, late. If a claimant files more than one reporting period late, an initial claim must be used to begin a claim series and no continued claim for a past period shall be accepted.~~

~~(ii) With respect to weeks of unemployment during which an individual is attached to his/her regular employer, the liable state shall accept any claim which is filed within the time limit applicable to such claims under the law of the agent state.~~

~~(d) Determination of Claims.~~

~~1. The agent state shall, in connection with each claim filed by an interstate claimant, ascertain and report to the liable state in question such facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.~~

~~2. The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to investigation and reporting of relevant facts. The agent state shall not refuse to take an interstate claim.~~

~~(e) (d) Appellate Procedure. Interstate Appeals~~

~~1. The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings~~

~~in connection with appealed interstate benefit claims.~~

~~2. With respect to the time limits imposed by the law of a liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.~~

1. All interstate appeals will be processed for hearings to be conducted from the Liable State.

2. For more detailed information and exceptions, see ETA Handbook 392, Section VIII, subsection 1 and 3.

Authors: Hoyt Russell, Director Unemployment Compensation Division

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

History: Effective: September 30, 1982. This rule is intended to implement Code of Ala. 1975, §25-4-120.