

State of Alabama

Department of Labor

SEPARATION INFORMATION EMPLOYER GUIDE

One of the most important communications you may receive from the Department of Labor is a form BEN-241, "Notice of Claim and Request for Separation Information." If your company is the last separating employer, the Ben 241 will be mailed to your company. Respond to this form timely and provide the specific information requested below concerning the employee's separation. In some cases, it may still be necessary for the local office claims representative to contact you by telephone to obtain clarification or rebuttal.

The purpose of this document is to provide a summary of information needed by a claims examiner in making determinations on the most frequent separation reasons. If you have questions, or need more information, the local office can assist you.

The questions included in this guide are provided to assist in securing basic separation information. This does not preclude consideration of other facts related to the separation. In a misconduct case, for example, the name of an immediate supervisor who has first-hand knowledge of separation information, any witnesses to an act or incident, or proof or written documentation concerning the separation, could prove important in the decision-making process.

INFORMATION NEEDED FOR "VOLUNTARY QUIT DUE TO WORKING CONDITIONS" SEPARATIONS

Section 25-4-78(2) - Voluntary Quit

1. What was the original agreement of hire, i.e., hours, wages, shifts, benefits, etc.?
2. What reason did the employee give you for quitting? Were his reasons justified in your opinion?
3. Was there any change in agreement of hire, i.e., hours, wages, shifts, benefits, etc.? If so, to what extent? Why were these changes implemented? Did employee voice any concerns about these changes?
4. Was the employee treated any differently than other workers in his/her same classification?
5. Did the employee attempt to resolve his/her problems prior to quitting?
6. Had OSHA cited any safety problems on the job?
7. Did the employee have the physical capability to handle the job?

INFORMATION NEEDED FOR "VOLUNTARY QUIT DUE TO HEALTH REASONS" SEPARATIONS

Section 25-4-78(2) - Voluntary Quit

1. Specifically, why did the employee quit?

2. Did the employee notify you of health problems?
3. Did the employee present a doctor's statement indicating restrictions or need to quit?
4. Did the employee ask you for work that could be performed within medical restrictions?
5. Do you have a leave-of-absence policy?
6. If so, did the employee request a leave of absence?
7. If a leave of absence was granted, did the employee return to work for you or reapply for work at the end of the leave or as soon as he/she was released by the doctor?
8. If employee reapplied and was not put back to work, why?

INFORMATION NEEDED FOR "MISCONDUCT" SEPARATIONS

Section 25-4-78(3)c - Discharge for Misconduct in Connection with Work

1. What was the specific, final incident which caused the worker's separation from employment?
2. On what date did the final incident occur?
3. Specifically, what policy did the employee violate?
4. Had the employee been warned for the same or similar incidents? Suspended? If yes, how was warning communicated?
5. When and how was the employee advised of the policy?

INFORMATION NEEDED FOR "MISCONDUCT AFTER WARNING-ABSENTEEISM" SEPARATIONS

Section 25-4-78(3)b - Discharge for Actual or Threatened Misconduct After Warning

1. What was the specific, final incident which caused the separation?
2. On what date did the final absence occur?
3. What is your company policy concerning reporting off for absences? Did the employee comply?
4. When and how was the employee advised of the policy?
5. What was the reason for the final absence?
6. Had the employee been warned specifically for absenteeism? Suspended?

INFORMATION NEEDED FOR "MAJOR MISCONDUCT" SEPARATIONS

Section 25-4-78(3)a - Discharge for Dishonest or Criminal Act, Act Endangering the Safety of Others, Sabotage, or Certain Drug-Related Offenses

1. What was final incident?
2. What date did incident occur?
3. What proof do you have that the employee committed the act? Any witnesses?
4. Did the incident occur on the job?

INFORMATION NEEDED FOR "DRUG RELATED" SEPARATIONS

Section 25-4-78(3)a - Discharge for Dishonest or Criminal Act, Act Endangering the Safety of Others, Sabotage, or Certain Drug-Related Offenses

1. Does your company have a drug test policy?
2. Was the written drug policy delivered to the employee? If so, when?
3. Does the drug policy warn employees that termination could result for:
 - a. a positive drug test; or
 - b. a failure to submit to or cooperate with a drug test; or
 - c. knowingly altering or adulterating the blood or urine specimen?
4. Does the drug policy apply to all employees regardless of classification or position?
5. Does the drug policy provide for additional testing for some, but not all, classifications? If yes, what is the rationale for difference in testing?
6. On what date was the drug policy implemented?

If your company is not subject to "DOT49CFR, Part 40," we also need a response to the following questions:

7. Does the drug policy provide for an independent confirmatory test of the same specimen at the request/expense of the employee? Did the employee request it?
8. Does the policy provide for a review of the test by a qualified, independent Medical Review Officer (MRO)? If your company fails to furnish a copy of the MRO Report, a disqualification cannot be issued.
9. Is the laboratory that conducted the test certified by the National Institute on Drug Abuse (NIDA)? If "no," did the laboratory utilize gas chromatography and mass spectrometry (GC/MS) testing techniques?
10. Does the drug policy apply to all employees already employed at the time the policy was implemented? If yes:
 - a. Was the employee allowed a 30-day grace period before the policy was applicable to him/her or before being tested?
 - b. Did the employee acknowledge receipt of the written drug policy by a dated, written certification.

INFORMATION NEEDED FOR "DISCIPLINARY SUSPENSION" SEPARATIONS

Section 25-4-78(3)d - Disciplinary Suspension

1. Why was employee suspended?
2. What are the beginning and ending dates of the suspension?

INFORMATION NEEDED FOR "REVOCATION OR SUSPENSION OF REQUIRED LICENSE, CERTIFICATE, INSURANCE, ETC.," SEPARATIONS

Section 25-4-78(4) - Revocation or Suspension of Required License

1. Was the required license, etc., necessary for the performance of employee's job?
2. Was it within the employee's power to control and guard against this loss?