



BUSINESS RIGHTS + COVID-19



Alabama Department of Labor



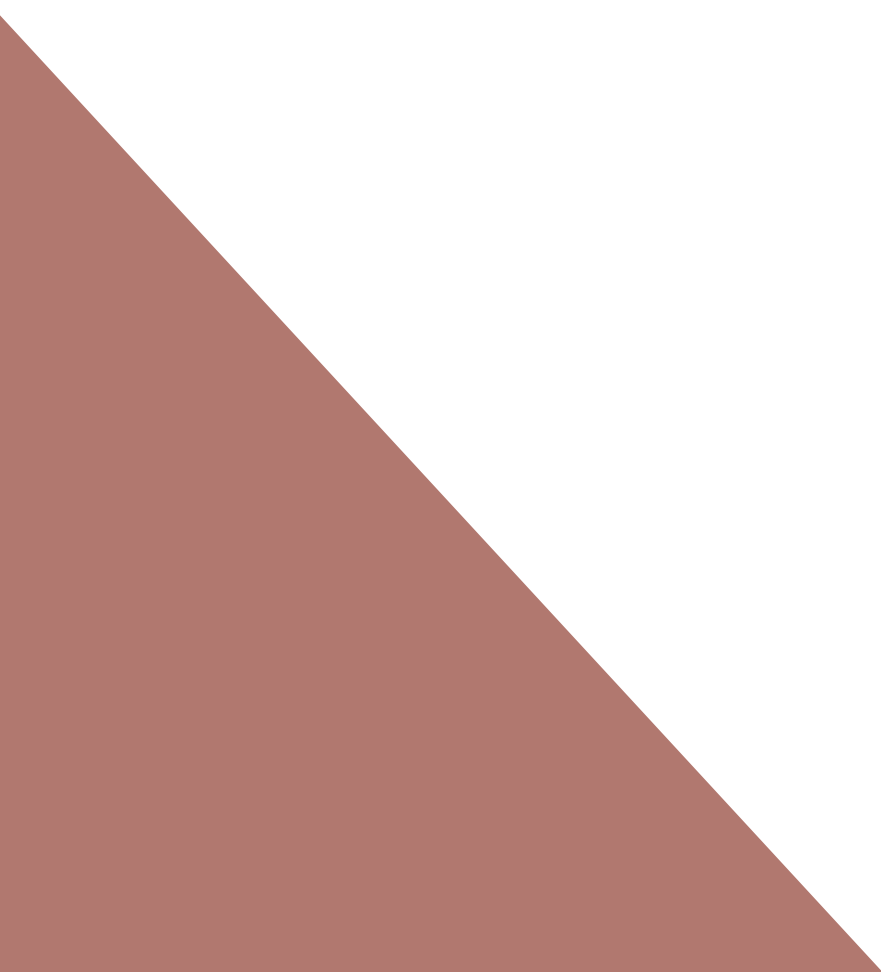
DOTHAN AREA CHAMBER OF COMMERCE



DISCLAIMER

Please be advised that some or all of the information contained in this document may not be applicable to some businesses or places of work and may not include all information necessary for certain businesses and places of work. This document does not attempt to address any health, safety and other work place requirements in place prior to the age of COVID 19. As COVID circumstances continue to evolve, so will the public health and safety recommendations and requirements, and as a result this document may not include all current governmental or health expert requirements and recommendations. We strongly advise that before implementing any of the practices and procedures contained herein, you carefully evaluate all and consult with your own legal counsel and other advisors regarding the legality, applicability and potential efficacy of this information in your place of business and to determine what if any other recommendations or requirements may apply to your business.

Please note that due to the developing nature of the pandemic, it is highly likely that the guidance found in this toolkit will require updating.



REHIRING + COVID-19

What does a business do if employees refuse to return to work because they are making more money with their unemployment benefits?

FROM THE ALABAMA DEPARTMENT OF LABOR



Unemployment benefits of any kind are not available to employees who quit without good work-related cause, refuse to return to available work, or refuse to receive full-time pay. Refusing to return to available work could result in a disqualification for benefit eligibility. Attempts to collect unemployment benefits after quitting a job without good work-related cause is considered to be fraud. The CARES Act specifically provides for serious consequences for fraudulent cases including fines confinement and an inability to receive future unemployment benefits until all fraudulent claims and fines have been repaid. Employers are encouraged to utilize the New Hire system to report those employees who fail to return to work.

STEPS TO TAKE IF THIS SITUATION OCCURS:



Employers should communicate with laid-off employees in as much advance notice as possible regarding proposed date of recall.



When employees are officially recalled to work, the employer should create a roster including company name, individual's name, social security number, date laid off and date recalled. Email the roster to newhire@labor.alabama.gov. A sample roster is provided in this resource guide.



Employees refusing to return to work should be informed, in writing, that ADOL has been notified of the offer for available work, and their unemployment benefits will stop. Sample letters are provided in this resource guide.

MORE RESOURCES

Alabama Department of Labor: <https://www.labor.alabama.gov/>


U.S. Department of Labor: <https://www.dol.gov/>

REPORTING TO THE DEPARTMENT OF LABOR



Visit this website: <https://labor.alabama.gov/nh/NewHireEfile/LogIn.aspx>
Enter your company information and login.

→ ↻ labor.alabama.gov/nh/NewHireEfile/LogIn.aspx

 ALABAMA
DEPARTMENT OF LABOR

The Alabama Department of Labor has been closed for business since March 16, 2020. We will be reviewing your records and report all new hires. If you have not reported new hires in the future, you may report new hires in the future.

Alabama New-Hire Electronic Filing System


Welcome to the New-Hire on-line data entry and upload page!

If you are currently registered with the Alabama Department of Labor to file New-Hire reports using any reporting method already registered as discussed above, you can [register here](#).


Once you are registered, you will be granted access to submit New-Hire data online.

New-Hire Electronic Options




Registered Users Login Here









Enter your 12 digit New-Hire Registration Number:
(9 digit Federal Employer Identification Number (FEIN) plus 3 digit New-Hire Registration Number)



Enter your full contact name:

Enter your contact phone number:

Enter your new hire information via this online form for your company or multiple companies
Enter your new hire information via this online form for your company or multiple companies. (Requires registration with Alabama Department of Labor as an employer reporting hires for multiple FEINs.)


Upload an ASCII text file containing your New Hires. (Requires registration with Alabama Department of Labor)

[Register with Alabama Department of Labor.](#)
This will return you to the online New-Hire registration form.



Check the box and click next.

- → ↻ labor.alabama.gov/nh/NewHireEfile/Amendment.aspx



Alabama New-Hire Electronic Filing System

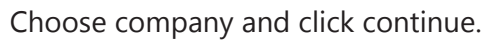
Changes have been made to the Social Security Act. Please read the

On December 8, 2010, President Obama signed the Claims Resolution Act into law (P.L. 111-251). This act requires that employers report new hires to the Social Security Administration (SSA) for purposes of determining eligibility for unemployment benefits. Therefore, you must report the hire date as the date that individuals receiving UI benefits. The new SDNH reporting requirements were effective January 1, 2011.

Also on October 21, 2011, President Obama signed the Trade Adjustment Assistance Extension Act of 2011 (P.L. 112-96). This act requires that employers report new hires to the SSA for purposes of determining eligibility for unemployment benefits. Therefore, you must report the hire date as the date that individuals receiving UI benefits. The new SDNH reporting requirements were effective January 1, 2012.

You must check below that you have read and understand the changes to the New Hire Reporting requirements.

☐ I understand that a newly hired employee is an employee who 1.) has not previously been employed by the employer or an employee who was previously employed by the employer and is now being re-hired.



Select "Enter Your New Hire Information."



Enter the employee information and choose work refusal on indicator.

SAMPLE ROSTER

B	C	D	E	F	G	H
S-A-M-P-L-E						
Roster for Reporting <u>WORK REFUSAL</u> of Re-Called Employees						
Company Name and Address:						
Federal Employer ID Number:						
Company Contact Person (Phone/Email):						
Today's Date:						
Legal Name of Recalled Employee(s) Refusing Work				SSN	Home Address	Date Laid-Off
						Date of Re-Call

DISCLAIMER: SAMPLE LETTERS

The following contains two sample letters which can be used to assist you in communicating with your laid-off or furloughed employees. These letters should follow your initial telephone or email communication to them about returning to work. The first sample letter should be issued as soon as you make the initial communication. This is a confirmation of your instruction to the employee that work is available on a certain date, and you expect the employee to return to work. The letter also places the employee on notice that failure to appear will be considered an abandonment of his or her job, and the Alabama Department of Labor will be notified of their refusal of available work. The second sample letter is follow-up communication for an employee who failed to appear for available work as instructed, and the Alabama Department of Labor is being notified of the refusal. The employee is also notified that the refusal could cause the Alabama Department of Labor to recoup any money it paid to the employee in the form of unemployment benefits when work was available, and the employee refused available work.

These sample letters were prepared by several outside employment attorneys, and they have been reviewed by the Alabama Department of Labor. However, they do not constitute legal advice or create any attorney-client relationship with any particular business or entity, and they should not be relied upon as such. Every business has different and unique needs, schedules, workforces and production issues. Use your own business judgment about how you want to communicate with your laid-off or furloughed staff and the time frames for returning them to work, whether all at once or on a graduated schedule. This has been an unprecedented period of time for the workforce not only in West Alabama, but across the nation.

SAMPLE LETTER 1

S-A-M-P-L-E

Date: _____, 2020

Recalled Employee's Name

Street Address

City, State, Zip

Re: Recall to Employment

Dear [Employee Name]:

As we have communicated to you by phone/voicemail, we are pleased to be able to recall you to employment with [Company] following a temporary layoff [furlough]. Effective _____, 2020, we have work available for you in the same position you held prior to being placed on temporary layoff [furlough]. Your manager will reach out to you to make arrangements for your return to work on that date.

The safety and health of our employees is a top priority. We are taking several efforts to reduce transmission of the virus among employees, sustain healthy business operations and maintain a healthy work environment. These include:

- Encouraging sick employees to stay home;
- Implementing flexible and supportive policies and practices;
- Establishing practices which support social distancing and use of appropriate PPE.
- Increasing ventilation, cleaning, and sanitizing in the workplace; and
- [Insert other specifics here].

Per [Company Name] policy, if you do not return on the effective date of recall, we will determine that you are no longer interested in employment with us and that you have voluntarily terminated your employment. If there are any personal circumstances which prevent you from returning to work on your date of recall, please contact me at [Phone and/or e-mail] so we can discuss your situation and appropriate next steps.

Please note that, as required by Alabama law, your name and other pertinent information have been provided to the Alabama Department of Labor's New Hire Division, informing them that you have been recalled to available work, effective _____, 2020, at (Company name and address where employee is recalled to work). One of the purposes of this law is to prevent continued payment of unemployment compensation benefits to individuals who have been called to return to available work, but have declined or refused the offer without a good work-related reason. In such cases, the improper payments of unemployment benefits, as well as any possible over-issuance of food stamps, that are made for any week in which an individual has been recalled to work will be recouped from you by the Alabama Department of Labor, as applicable.

We look forward to seeing you on _____, 2020 at [Company].

Sincerely,

Name of Company Rep

Position Title

Company Name

SAMPLE LETTER 2

S-A-M-P-L-E

Date: _____

Recalled Employee's Name

Street Address

City, State, Zip

Re: Re-Called to Employment

Dear _____,

This letter is to inform you that your name and other pertinent information has been provided to the Alabama Department of Labor's New Hire Division, informing them that you have been recalled to available work, effective _____, 2020, at the (Company Name and Address Where Employee is Actually Recalled to Work).

Pursuant to Ala. Code §25-11-5, all employers are required to report each recalled employee to the Alabama Department of Labor. The information must be furnished within seven days from the date of reemployment.

Overpayments of unemployment compensation and other forms of public assistance benefits made for any week in which you have been recalled to work may be subject to repayment to the appropriate government agencies as permitted by applicable law.

Please contact the undersigned, as soon as possible, but by no later than _____, 2020, to make prompt arrangements for your return to work.

Sincerely,

Name of Company Rep

Position Title

Company Name

Address

Phone

email

UNEMPLOYMENT COMPENSATION FRAUD IS A CRIME.

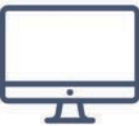
EXAMPLES OF FRAUD



Making false statements to obtain unemployment compensation.



Attempting to draw benefits while working.



Continuing to file a claim after returning to work.



Being paid "under the table" while collecting unemployment compensation.



Not being truthful when filing your initial or weekly claims.

FRAUD PENALTIES

Up to a Class B Felony

Fines of up to \$500 AND up to 12 months in jail for each fraudulent week claimed

Mandatory ineligibility for up to a two year period

REPORT FRAUD

Call 800-392-8019



ALABAMA DEPARTMENT OF LABOR

www.labor.alabama.gov
@alabamalabor



THE CHAMBER OF COMMERCE OF WEST ALABAMA

www.tuscaloosachamber.com
205.758.7588
@chambertusc



DOTHAN AREA CHAMBER OF COMMERCE

www.dothan.com
334.792.5138
@DothanAreaChamb

SOUTHEAST ALABAMA WORKS

www.southeastalabamaworks.com
334.792.5138
@southeastalabamaworks



WEST ALABAMA WORKS

www.westalabamaworks.com
205.391.0331
@westalworks

