ALABAMA DEPARTMENT OF WORKFORCE
ADMINISTRATIVE CODE

CHAPTER 480-1-1
GENERAL ADMINISTRATION EXECUTIVE DIVISION

TABLE OF CONTENTS

480-1-1-.01	Alabama Department Of Labor
480-1-1-.02	Reserved
480-1-1-.03	Matter Adopted By Reference
480-1-1-.04	Information Requests By State And Federal Agencies, Public Officials And Law Enforcement Officials: Inspection And Copying Of Records
480-1-1-.05	Appointment Of Hearing Officer
480-1-1-.06	Resolution Of Disputes
480-1-1-.07	Records Retention
480-1-1-.08	Organization
480-1-1-.09	General Course And Method Of Operations
480-1-1-.10	Review Of Internal Memoranda For Alabama Administrative Procedure Act
480-1-1-.11	Electronic Filing Of New Hire Data

480-1-1-.01 Alabama Department Of Labor.

Effective October 1, 2012, the Alabama Department of Industrial Relations and the Alabama Department of Labor merged into one agency. As a result of the merger, the surviving agency is the Alabama Department of Labor. By this rule, it is the specific intent that wherever the name "Alabama Department of Industrial Relations" appears in these administrative rules, it shall thereafter be substituted with the name "Alabama Department of Labor". It is furthermore the specific intent that wherever the title "Director" appears in these administrative rules, it shall thereafter be substituted with the title "Commissioner".
Author: G. Thomas Surtees, Commissioner
Statutory Authority: Code of Ala. 1975, §25-2-8
History: **New Rule:** Filed March 20, 2013; effective April 24, 2013.

480-1-1-.02 Reserved.
Author:
Statutory Authority:
History:

480-1-1-.03 Matter Adopted By Reference.

(1) The titles listed below are hereby adopted by reference as provided at Code of Ala. 1975, §41-22-9:

(a) Title: Employment Security Manual
Date: Continuously updated
Source: United States Department of Labor
Description: A compendium of policies and guidelines issued by the United States Department of Labor for the operation of the Unemployment Compensation and Employment Service and related programs.

(b) Title: General Administration Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Temporary updates to the Employment Security Manual.

(c) Title: Fiscal Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Temporary updates to the Employment Security Manual.

(d) Title: Unemployment Insurance Program Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Temporary updates to the Employment Security Manual.

(e) Title: Report and Analysis Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Temporary updates to the Employment Security Manual.

(f) Title: Employment Service Program Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Temporary updates to the Employment Security Manual.

(g) Title: ET Policy Letter [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Transmits ETA policy to prime sponsors and SESAs regarding major clarifications and interpretations of program initiatives, broad operating policies, and program standards which must be applied uniformly.

(h) Title: Employment and Training Order [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Orders on various subjects issued by the Employment and Training Administration.

(i) Title: Prime Sponsor Instruction [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Instructions to prime sponsors under the Comprehensive Employment and Training Act.

(j) Title: State ES Agency Instruction [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Instructions to state agencies responsible for administering the Employment Security Program.

(k) Title: Prime Sponsor and State ES Agency Instruction [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Instructions to prime sponsors and state ES agencies and state ES agencies acting as a prime sponsor under the Comprehensive Employment and Training Act.

(l) Title: Field Memorandum [series]
Date: Continuously update
Source: United States Department of Labor
Description: Policies, instructions, etc. on various activities administered by the Employment and Training Administration.

(m) Title: OCR Memorandum [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Policies, instructions, etc., relating to the Office of Civil Rights.

(n) Title: BLS Memorandum [series]
Date: Continuously updated
Source: United States Department of Labor
Description: Policies, instructions, etc. relating to the Bureau of Labor Statistics.

(o) Title: ETA Glossary of Abbreviations and Acronyms [Employment and Training Handbook No. 351]
Date: September 1976
Source: United States Department of Labor
Description: Covers a wide range of Employment and Training Administration programs, operations, systems, and activities in the government and private sectors.

(p) Title: Employment and Training Administration (ETA) Glossary of Program Terms and Definitions [Employment and Training Handbook No. 373].
Date: Third Edition 1980
Source: United States Department of Labor
Description: The official comprehensive alphabetical list of program terms commonly used by both ETA and program sponsor staff to identify various aspects of ETA program activities.

(q) Title: Record Retention Schedule
Date: February 14, 1970
Source: State Records Commission
Description: A listing of departmental records and the retention period approved by the State Records Commission.

(r) Title: WIN Handbook [Handbook No. 318]
Date: October 1979
Source: United States Department of Labor
Description: Procedures for implementing the Work Incentive Program.

(s) Title: Training Guide - Interstate Claims [ETA Handbook No. 323]
Date: June 1976
Source: United States Department of Labor
Description: Procedures for taking and processing interstate claims.

(t) Title: Disaster Unemployment Assistance (DUA) [ETA Handbook No. 356]
Date: October 1977, as revised
Source: United States Department of Labor
Description: Procedures for implementing the Disaster Unemployment Assistance program.

(u) Title: Unemployment Compensation for Ex-service Persons (UCX) [ETA Handbook No. 384]
Date: 1980, as revised
Source: United States Department of Labor
Description: Procedures for processing unemployment claims filed by ex-service persons.

(v) Title: Operating Instructions Handbook-Labor Certification Program for Immigrant Workers [ETA Handbook No. 656]
Date: 1977, as revised
Source: United States Department of Labor Operating instructions for the labor certification program for immigrant workers-those workers coming permanently to the United States for the purpose of employment.

(w) Title: Adjustment Assistance for Workers Under the Trade Act of 1974 [ETA Handbook No. 315]
Date: August 1975, as revised

Source: United States Department of Labor
Description: Guidelines and standards for administration of the Worker Adjustment Assistance program under the Trade Act of 1974.

(x) Title: Job Corps Screening and Admissions Guide [ETA Handbook No.333]
Date: May 1981
Source: United States Department of Labor
Description: Procedure for screening and qualifying applicants for the Job Corp program.

(y) Title: Equal Employment Opportunity Compliance Officer's Handbook [ETA Handbook No. 345]
Date: October 1, 1976, as revised
Source: United States Department of Labor
Description: Procedures for conducting EEOC compliance review and complaint investigation.

(z) Title: Targeted Job Tax credit (TJTC) Program [ETA Handbook No. 377]
Date: June 14, 1982, as revised
Source: United States Department of Labor
Description: Policies, procedures and technical information regarding implementation of the Targeted Jobs Tax Credit program.

(aa) Title: Title 30, Code of Federal Regulations
Part 870 - Abandoned Mine Reclamation Fund-Fee Collection and Coal Production Reporting
Part 872 - Abandoned Mine Reclamation Fund
Part 874 - General Reclamation Requirements
Part 875 - Non-coal Reclamation
Part 877 - Rights of Entry
Part 879 - Acquisition, Management and Disposition of Lands and Water
Part 882 - Reclamation on Private Land
Part 884 - State Reclamation Plans
Part 886 - State Reclamation Grants
Part 888 - Indian Reclamation Programs
Date: June 30, 1982, Continuously Updated via the Federal Register
Source: Office of Surface Mining Reclamation and Enforcement, United States Department of the Interior
Description: Rules for the Abandoned Mine Land Reclamation

(bb) Title: Title 5, Code of Federal Regulations
Part 713 - Equal Opportunity
Part 900 - Intergovernmental Personnel Act Programs
Date: Continuously updated via the Federal Register
Source: Civil Service Regulations
Description: Rules relating to the above Part Titles

(cc) Title: Title 7, Code of Federal Regulations
Part 273 - Certification of Eligible Households
Date: Continuously updated via the Federal Register
Source: Food Stamp and Food Distribution Program
Description: Rules relating to the above Part Titles

(dd) Title: Title 20, Code of Federal Regulations
Part 601 - Administrative Procedure
Part 602 - Federal-State Employment Service System
Part 603 - State Program Budget Plans Under the Wagoner-Peyser Act
Part 604 - Policies of the United States Employment Service
Part 621 - Certification of Temporary Foreign Labor for Occupations Other than Agriculture and Logging
Part 651 - General Provisions Governing the Federal-State Employment Service System
Part 652 - Basic Organization of the Employment Service System (Reserved)
Part 653 - Services of the Employment Service System
Part 654 - Special Responsibilities of the Employment Service System
Part 655 - Labor Certification Process for the Temporary Employment of Aliens in the United States
Part 656 - Labor Certification Process for the Permanent Employment of Aliens in the United States
Part 657 - Provisions Governing Grants to State Agencies for Employment Services Activities (Reserved)
Part 658 - Administrative Provisions Governing the Job Service System
Part 675 - Introduction to the Regulations under the Comprehensive Employment and Training Act
Part 676 - General Provisions Governing Programs under the Comprehensive Employment and Training Program
Part 677 - Programs under Title II of the Comprehensive Employment and Training Act
Part 678 - Public Service Employment Programs under Title VI of the Comprehensive Employment and Training Act
Part 679 - Private Sector Initiative Program for the Economically Disadvantaged under the Comprehensive Employment and Training Act
Part 680 - Youth Program operated by Prime Sponsors under the Comprehensive Employment and Training Act
Part 685 - Young Adult Conservation Corps under Title VIII of the Comprehensive Employment and Training Act
Date: Continuously updated via the Federal Register
Source: Employment and Training Administration
Description: Rules relating to the above Part Titles

(ee) Title: Title 29, Code of Federal Regulations
Part 8 - Preference in Federal Procurement Under Defense Manpower Policy No. 4 and Executive Order 10582
Part 26 - Exemplary Rehabilitation Certificates for Servicemen

Part 31 - Nondiscrimination in Federally assisted Program of the Department of Labor - Effectuation of Title VI of the Civil Rights Act of 1964
Part 32 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
Part 40 - Farm Labor Contractor Registration
Part 56 - Work Incentive Programs for AFDC Recipients under Title IV of the Social Security Act
Part 75 - Department of Labor Review and Certification Procedures and Rural Industrialization Loan and Grant Programs Under the Consolidated Farm and Rural Development Act of 1972
Part 91 - Adjustment Assistance for Workers after Certification
Part 1604 - Guidelines on Discrimination because of Sex
Part 1605 - Guidelines on Discrimination because of Religion
Part 1627 - Records to be made or kept Relating to Age: Notices to be posted: Administrative Exemptions
Part 1910 -- Occupational Safety and Health Administration
Date: Continuously updated via the Federal Register
Source: Part L8 through 91 Office of Secretary of Labora
Part 1604 through 1627 - Equal Employment Opportunity Commission
Part 1910 - Occupational Safety and Health Administration
Description: Rules relating to the above Part Titles

(ff) Title: Title 41, Code of Federal Regulations
Part 60-3- Uniform Guidelines on Employee Selection Procedures (1978)
Part 60-250- Affirmative Action Obligations of Contractors and Sub-Contractors for Disabled Veterans and Veterans of the Vietnam Era
Date: Continuously updated via the Federal Register
Source: Office of Federal contract compliance Program
Description: Rules relating to the above Part Titles

(gg) Title: Title 45, Code of Federal Regulations
Part 80 - Nondiscrimination Under Programs Receiving Federal Assistance Through the Department of Health, Education and Welfare Effectuation of Title VI of the Civil Rights Act of 1964
Part 81 - Practice and Procedure for Hearings Under Part 80 of this Title
Part 84 - Nondiscrimination on the Basis of Handicap in Programs and Activities Receiving or Benefiting from Federal Financial Assistance
Part 224 - Work Incentive Programs for AFDC Recipients Under Title IV of the Social Security Act
Date: Continuously updated via the Federal Register
Source: Part 80 through 84 - Department of Health, Education, and Welfare, General Administration
Part 224 - Office of Family Assistance
Description: Rules relating to the above Part Title

(2) The above titles are available for inspection or purchase of copies from the Alabama Department of Industrial Relations, ATTN: Administrative Procedure Secretary, Room 543, Industrial Relations Building, 649 Monroe Street, Montgomery, Alabama 36130, Telephone (205) 242-8970 between the hours of 9:00 a.m. and 3:00 p.m. on scheduled work days, by appointment.

(3) The charge in effect on October 1, 1982 is 25 cents per page.

(4) Copies may be obtained at the cost in affect at the time of copying.

(a) The cost of copying shall be determined on the basis of cost per page.

(b) The cost per page and the total cost shall be quoted prior to copies being made.

(c) Full payment shall be tendered before copies are made.

1. Payment shall be made in cash or by cashier's check.

Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, § 25-2-8, § 41-22-9.
History:

480-1-1-.04 Information Requests By State And Federal Agencies, Public Officials And Law Enforcement Officials: Inspection And Copying Of Records.

The Director may release any information authorized to be released under the provisions of subsection (b) of Code of Ala. 1975, §25-4-118, to any Federal or State agency, institution of higher education, public official or law enforcement officer. The Director may require that a request for information under §25-4-118(e) be made by written application to the Director. In that application must be signed by the respective agency official or his authorized representative giving sufficient information to locate the records, stating as nearly as possible the nature of the information requested, and the reason for the request. Information thus obtained shall be held confidential by the requesting party and its use is subject to the restrictions and criminal sanctions for misuse set out under Code of Ala. 1975, §25-4-116 and § 25-4-118. Copies of all or parts of the records will be provided at current cost as set out under Rule 480-1-2-.06, which also addresses procedural requirements and the method of obtaining information relative thereto.
Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, §25-2-8.
History: Filed January 14, 1988

480-1-1-.05 Appointment Of Hearing Officer.

(1) The Director shall have the authority to appoint any officer of the Department or other individual as hearing officer to hear and decide any contested case involving the Department, where provided by law or statute, and in which the legal rights, duties or privileges of a party are required by law to be determined by the Department after an opportunity for a hearing. The authority of the Director to appoint a hearing officer shall also extend to all other administrative hearings or reviews where such authority is vested in him by law or statute.

(a) When the Director deems it necessary, appropriate or desirable, he shall remove from the general course and method of operation any such case and appoint a hearing officer.

1. A hearing officer shall be defined as: any officer of the Department of Industrial Relations or any other individual appointed by the Director.

a. As used in any statute, rule or policy relating to the Department of Industrial Relations, the terms "appeals tribunal," "hearing officer," "appeals referee" and "referee" shall be construed as interchangeable, unless clearly indicated to the contrary.

(2) The proceedings on any contested case, as defined at Code of Ala. 1975, § 41-22-3(3), shall be presented and heard before a hearing officer in the manner prescribed in these rules.

(a) The proceedings on any other administrative hearing or review, unless otherwise provided by statute, rule or policy, shall be presented and heard before a hearing officer in an informal manner to be determined by the hearing officer.

Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, §25-2-8.
History:

480-1-1-.06 Resolution Of Disputes.

(1) It is the desire and intent of the Department of Industrial Relations to resolve and settle all disputes at the lowest possible level in a non-adversarial posture in order to minimize expense and inconvenience to all parties.

(2) Any party dissatisfied with departmental action is encouraged to seek such informal review as may be provided by statute, rule

or policy, or, in the absence of such, as provided for by the intent of this rule.
Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, §25-2-8.
History:

480-1-1-.07 Records Retention.

(1) All records of the Department shall be retained pursuant to the schedule approved by the State Records Commission which is adopted by reference in Rule 480-1-1-.03.

(a) Records shall be retained for a longer period of time if so provided by other applicable law or court order.

(b) The Director of Industrial Relations may prescribe a longer retention period than required by law, rule or court order.

(2) The Director of Industrial Relations shall prescribe the manner, form and location of retention.

(3) For convenient reference, the following is a list of major records of the Department and their retention schedules.

1. Workmen's Compensation Injury and Settlement Reports: current plus 12 years.

2. Labor Market Newsletters: current plus 4 years.

3. Personnel folders (individual) - terminated: permanent.

4. Legal decisions: permanent.

5. Legal briefs: permanent.

6. Circuit court case dispositions: permanent.

7. Legal opinions - informal: permanent.

8. Child labor issuing officer's correspondence (permits): current plus 5 years.

9. Child labor notice of violation: current plus 5 years.

10. Child labor permits - minors under 18 years of age: discard at age 18.

11. Child labor case files: permanent.

12. Board of Appeals trial dockets - unemployment compensation appeals: permanent.

13. Board of Appeals minutes: permanent.

14. Board of Appeals decisions: permanent.

15. Leases: 5 years after termination.

16. Superseded material from U. S. Department of Labor directives: current plus 2 years.

17. Unemployment compensation individual claim files to include state U.C., UCFE, UCX, Extended Benefit, TRA, DUA, and any other Federal claim, consisting of new and additional claims; copies of wage and separation information; determination; correspondence and other related claims documents: 5 years after the benefit year ends, or 3 months after final action, including appeals, has been taken on a claim, whichever is later.

18. All unemployment compensation continued claims consisting of pay order cards; claims for partial benefits, and interstate claims: 5 years after the benefit year ends or 3 months after final action has been taken whichever is later.

19. Unemployment compensation benefit checks and check registers; checks drawn against the unemployment compensation clearing account: 5 years after the date of their issuance, or 3 months after they have been audited by the State Examiner of Public Accounts, whichever is later. Related vouchers: 2 years after the date of their issuance, 3 months after they have been audited by the State Examiner of Public Accounts, whichever is later.

20. Employer Wage Reports: 5 years after the quarter for which the report is filed.

21. Employer Contribution Report: debit memoranda, credit memoranda and correspondence; tax refund checks and related vouchers; notices of benefit wage charges; benefit wage credits and denials of credits for rehire; Data Processing Employer History File and Daily Distribution Registers: 8 years after the year to which each relates.

22. Copies of tax rate notices: 8 years after the end of the tax year to which the rate applies.

23. Status reports of employers determined not subject to the unemployment compensation law and related correspondence after filming: Between 2 and 5 years after the status determination has been made with the approval of the Unemployment Compensation Director.

24. Proofs of debits; certificates of liens; executions, notices of bankruptcies, and powers of attorneys: Indefinitely with times of destruction to be determined by the Unemployment Compensation Director.

25. Records relating to overpayments, administrative penalties and criminal prosecution which have been incorporated into the individual claim files: 1 year after final action has been taken, including satisfaction of the overpayment, with the approval of the Director, Unemployment Compensation Agency.

26. Unemployment compensation appeals records consisting of notices of appeals; copies of subpoenas; notices and transcripts of hearings; decisions and related correspondence: 1 year after final action has been had on the appeal.

Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, §25-2-8.
History: Effective: September 30, 1982

480-1-1-.08 Organization.

(1) Title 25, Code of Ala. 1975, establishes a "Department of Industrial Relations" to be headed by an officer known as the "Director of Industrial Relations."

(2) Executive Office. The Director of Industrial Relations is also designated by statute to be Chief and in immediate charge of the Division of Employment Security which embraces employment service and unemployment compensation. The Director of Industrial Relations is appointed by and is responsible to the Governor and is a member of the Governor's cabinet.

(a) The Assistant Director is also appointed by the Governor.

(b) All other employees of the Department are appointed to their positions in accordance with the Merit System Laws established and maintained by the State Personnel Department.

(c) Statute provides that the Director shall appoint under the Merit System Laws a full-time, salaried director of unemployment compensation and a full-time, salaried director of employment service.

(3) Board of Appeals. The Board consists of three members appointed by the Governor subject to confirmation by the Senate. One member of the Board, because of his previous employment or affiliations, is generally classified as a representative of employers. One member of the Board, because of his previous employment or affiliations, is generally classified as a representative of employees. The third member of the Board represents the interest of the public and is not generally

classified as a representative of employers or employees. The member representing the public is the Chairman of the Board.

(4) Advisory Council. The Governor appoints an Advisory Council of not less than nine members composed of equal numbers of employer representatives, employee representatives and members representing the public generally. These members should be representative of such interests due to their vocation, employment or affiliations. The Advisory Council serves at the pleasure of the Governor and without compensation; however, it is reimbursed for any necessary travel expenses. The department provides such clerical support, etc. as is required by the Council.

(5) Board of Examiners. Members of the Board are appointed by the Governor and all hold Alabama Mine Foreman Certificates of Competency. The Board consists of three active practical miners, three operators of coal mines and one practicing mining engineer. The Chief of Mine Safety and Inspection serves as Ex Officio Chairman of the Board.

(6) Veterans Employment Service. The Veterans Employment Service is attached in a liaison capacity to the staff of both the Director of Industrial Relations and the State Employment Service Director. All staff is federally employed by the U. S. Department of Labor.

(7) Divisions. In addition to the divisions specifically established, the statute empowers the Director to establish such divisions as in his judgment may be necessary or desirable for the administration or enforcement of any law or any rule or regulation with which the Department of Industrial Relations is charged or the performance of any of its functions or duties.

(a) Program Functions. The organization of the department includes the Employment Security Division (employment service and unemployment compensation), the Workmen's Compensation Division and the State Programs Division. The Employment Security Division is federally funded. The Workmen's Compensation Division is state funded. The State Programs Division is state and federally funded. Each of these divisions administers one or more programs, or portions thereof, as may be required by statute or rule or as the Director of Industrial Relations may from time to time determine appropriate for carrying out the department's responsibilities in an effective and efficient manner. Statute requires that the Director of Industrial Relations, acting as Chief of the Employment Security Division, coordinate employment service and unemployment compensation activities since these are interrelated programs. The Director of Industrial Relations assigns and coordinates all internal management duties and responsibilities to assure that all involved work in concert to achieve the common goals. Direct service to the public is generally initiated through local

offices which may be designated as Unemployment Compensation Claims Offices, Employment Service Offices or Employment Security Offices (employment service and unemployment compensation), or as outstations, itinerant points or branch offices of any of the above or any other variation which offers the services determined by the Director of Industrial Relations to be appropriate in a particular location and to the extent determined appropriate at any given time considering the economic situation, budgetary constraints, and service area needs, all subject to adjustment as conditions change. All such offices provide assistance to the public relative to obtaining departmental services. Additionally, the public may proceed under the provisions of the Alabama Department of Industrial Relations Administrative Code, Rule 480-1-2-.03.

Author:
Statutory Authority: Code of Ala. 1975, §25-2-8.
History: Filed December 14, 1988.

480-1-1-.09 General Course And Method Of Operations.

(1) Executive Office. Director: Administers activities associated with the employment service, unemployment compensation, child labor, workmen's compensation, mine safety, surface mine reclamation, abandoned mine reclamation, and other programs for which the Department of Industrial Relations is responsible. Exercises all functions and duties of the Department acting by himself or by and through such administrative divisions or such offices or employees as he may designate. Adopts and enforces all rules and orders necessary or suitable to carrying out the functions of the Department. Serves as Chief of the Division of Employment Security which embraces employment service and unemployment compensation. Makes such agreements as may be necessary or proper with the U. S. Department of Labor or any other Federal, State or local agency, as well as businesses, organizations, or private individuals. Maintains conformity to minimum standards of the U. S. Department of Labor for the administration of the Unemployment Compensation Law and employment service. Exercises, as provided by statute, all power and authority necessary or convenient to carry out the functions and duties of the Department. Assistant Director: Serves as advisor to the Director and performs such administrative duties as may be assigned by the Director.

(2) Board of Appeals. Adjudicates unemployment compensation and labor dispute appeals cases appealed to it from lower authority decisions. Adopts rules relating to mine safety.

(3) Advisory Council. Aids the Director in formulating policies. Performs other duties and functions as assigned by the Director. Prepares recommendations as to administration and changes,

amendments or modifications of such acts and laws in the State of Alabama, in particular the Unemployment Compensation Law, as it considers proper. Submits these recommendations to the Governor and to the Legislature. Undertakes other related activities on its own initiative.

(4) Board of Examiners. Examines qualified applicants and grants certificates of competency to persons who pass the required examinations to act as mine foreman and fire boss in mines under the jurisdiction of this department. Formulates examination rules. Conducts hearings relating to the cancellation or revocation of certificates.

(5) Veterans Employment and Training Service. The Veterans Employment Service, with the State Employment Service as the delivery agency, is charged by the Congress to carry out and fulfill statutory requirements to insure an effective job and job training counseling service; employment placement service; and a job training placement service program for eligible veterans and eligible persons. To accomplish these objectives, a State Director for Veterans' Employment and Training is assigned to the staff of the Director and the State Employment Service Administrator as a consultant and adviser on the implementation of the policies of the Secretary of Labor on the provision of maximum employment and training opportunities to eligible veterans through existing programs, coordination and merger of programs, and implementation of new programs. National policies on veterans' employment, training and placement programs are promulgated and administered by the Assistant Secretary of Labor for Veterans' Employment and Training.

(6) Programs. The program divisions: Employment Security (employment service and unemployment compensation), State Programs and Workmen's Compensation are responsible for administering one or more, or portions thereof, of the programs for which the department is responsible.

(a) Employment Security Division. Coordinates assigned employment service and unemployment compensation activities or portions thereof.

(1) Employment Service. Administers assigned employment and training related programs or portions thereof and such other programs or portions thereof as the Director of Industrial Relations may from time to time determine appropriate. Staff level components provide managerial and/or technical support to local offices relative to the functions, programs, and activities administered. Responsibilities generally include activities relating to: The basic labor exchange program; the Alien Employment Certification program: the Federal Bonding program; the Targeted Job Tax Credit program; employment and training programs under the Job Training Partnership

Act; services to veterans; the Work Incentive program; the Trade Act of 1974; the Consolidated Farm and Rural Development Loan program; and the Labor Market Information program.

(2) Unemployment Compensation. Administers assigned unemployment compensation and related programs or portions thereof and such other programs or portions thereof as the Director of Industrial Relations may from time to time determine appropriate. Staff level components provide managerial and/or technical support to local offices and/or central office operating components relative to the functions, programs, and activities administered. Responsibilities generally include activities relating to: The regular state unemployment compensation programs; unemployment compensation for exservicemen; unemployment compensation for former federal employees; the Trade Adjustment Assistance program; the Disaster Unemployment Assistance program; the Federal Supplemental Compensation program; the extended benefits program; and various other federal programs.

(3) Local Offices. Generally serve as the primary point of contact with the public for delivery of the Department's services or obtaining information about the services.

(b) State Programs Division. Administers assigned programs or portions thereof relating to child labor, mine safety and inspection, surface mining of non-fuel minerals, mine rescue, abandoned mine land reclamation and such other programs or portions thereof as the Director of Industrial Relations may from time to time determine appropriate. The primary point of contact with the public is through the State Programs Division Office in the Central Office of the Alabama Department of Industrial Relations.

(c) Workmen's Compensation Division. Administers the Alabama Workmen's Compensation Law or portions thereof and such other programs or portions thereof as the Director of Industrial Relations may from time to time determine appropriate. The primary point of contact with the public is through the Workmen's Compensation Division in the Central Office of the Alabama Department of Industrial Relations.

(7) Staff Divisions. The staff divisions perform such functions as the Director of Industrial Relations may from time to time determine appropriate as dictated by current conditions and provide support services to each of the program divisions as well as to each of the other staff divisions. Responsibilities generally include activities relating to: administrative support for the Board of Appeals; budgeting; accounting; property

management; general services; data processing; personnel; training; equal employment opportunity; grievances; public relations; legal counsel; planning; systems analysis; management analysis; records management; investigations; and statistical research and analysis. The point of contact with these divisions by the public is generally through the local offices or other specified points of contact.

(8) Alternate Points of Contact. In addition to the points of contact previously mentioned, the public may proceed under the Alabama Department of Industrial Relations Administrative Code, Rule 480-1-2-.03 to obtain information and/or services.

(9) Federal Approval of Laws, Policies and Procedures Administered by the Department of Industrial Relations. The Secretary of Labor, U. S. Department of Labor, must certify and approve state laws, policies, and procedures as described and set out in U. S. Code Annotated, Title 26, Section 3304 and 20 CFR, §658, §702 and §703. Therefore, it is incumbent upon the Department of Industrial Relations to be in conformity with such laws, policies and procedures.
Author: W. F. Willett, Jr.
Statutory Authority: Code of Ala. 1975, §25-2-8.
History: Filed December 14, 1988.

480-1-1-.10 Review Of Internal Memoranda For Alabama Administrative Procedure Act.

(1) The Administrative Procedure Act provides in substance that each agency regulation standard or statement of general applicability that implements, interprets, or prescribes law or policy or affects the rights of the public is absolutely void unless same is implemented as a formal rule and adopted as required under the provisions of the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-23-3(9).

(2) All internal numbered series memoranda, e.g. DIR Memoranda, UC Memoranda, ES Memoranda, and WC Memoranda, or other directives and informal memoranda that could possibly effect the rights of the public must be reviewed and preapproved by the General Counsel and the Administrative Procedure Secretary.

(a) The Planning and Systems Analysis Division will control the issuance of numbers for the above mentioned numbered memoranda series. Only after the receipt of a coordination sheet signed by the General Counsel and the Administrative Procedure Secretary will a number be issued for a memoranda.

(b) If it conforms to the definition of a Rule under the Alabama Administrative Procedure Act, the rule making process shall be initiated.

Author: George Cocoris, General Counsel
Statutory Authority: Code of Ala. 1975, §25-5-8.
History: New Rule: Filed May 22, 1995; effective June 26, 1995.

480-1-1-.11 Electronic Filing Of New Hire Data.

(1) Code of Ala. 1975, §25-11-5 as amended, requires employers to report certain New Hire data in a method approved by the director. This section allows for the reporting by employers to be done electronically.

(2) On the effective date of this rule, employers with five (5) or more employers are required to electronically register and file New Hire data via the internet or some other means as approved by the director or federal law, unless a waiver is granted by the director or his designee.

(3) A waiver request must be submitted in writing and include the business name and address, state unemployment account number, Federal Identification Number and state the reason(s) why a method other than the prescribed method is necessary. No waiver may be granted for a period longer than 1 year. Employers with less than 5 employees do not need to request a waiver as they may report by non-electronic means but are encourage to file electronically.

(4) All third party submission of New Hire data must be reported electronically.

(5) The New Hire report shall include the name, address, Social Security number, and date of hire of each newly hired, recalled, or rehired individual and the name, address, and state and federal identification numbers of the employer. The date of hire must be the date services for remuneration were first performed by the newly hired employee. The term newly hired individual means an employee who: (1) has not previously been reported by the employer or (2) was previously employed by the employer but has been separated from such prior employment for at least 60 consecutive days.

(6) Employers may transmit New Hire reports as described in subsection (5) of the department electronically twice a month, not less than 12 days nor more than 16 days apart. If a waiver from the electronic reporting is granted, an employer shall report to the department within seven days of hiring, each new hire, recall, or retire.

(7) Failure to comply with this rule or statute may result in civil penalty of $25.00 per violation as provided for in Code of Ala. 1975, §25-11-17, supra. 25-11-5
Author: Byron Yates, Unemployment Compensation Division
Statutory Authority: Code of Ala. 1975, §25-11-16.

History: New Rule: Filed March 5, 2008; effective April 9, 2008.
Amended: Filed August 13, 2012; effective September 17, 2012.