

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. _____ Department or Agency: Department of Labor

Rule No. 480-4-3-.16

Rule Title: Job Abandonment

_____ New 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 Stephen McC

Date 8-21-13

(DATE FILED)
(STAMP)

Department of
Labor

NOTICE OF INTENDED ACTION

AGENCY NAME: DEPARTMENT OF LABOR

RULE NO. & TITLE: 480-4-3-.16 Job Abandonment

INTENDED ACTION: Amendment.


SUBSTANCE OF PROPOSED ACTION: The amendment defines incarceration of three consecutive work days as job abandonment.

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 October 07, 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: October 07, 2013

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
ELEVATOR SAFETY RULES
ADMINISTRATIVE CODE**

**CHAPTER 480-4-3
BENEFITS**

480-4-3-.16 Job Abandonment.

(1) If an employee is absent from work without notice, unless it is shown that notice is not reasonably practicable, to his or her employer for a period of three consecutive regularly scheduled working days, and is terminated because of such absence, the employee shall be determined to have abandoned his employment.

(2) If an employee is absent from work due to incarceration, for a period of ~~more than~~ three consecutive regularly scheduled working days, attributable to the fault of said employee and is terminated because of such incarceration the employee shall be determined to have abandoned his employment, without regard as to whether or when notice was given to the employer by such employee.

(3) A determination of job abandonment shall be subject to disqualification for unemployment benefits under Code of Ala. 1975, §25-4-78(2), ~~voluntary quit work~~ VOLUNTARILY QUITTING WORK.

Author: Hoyt Russell, Director, Unemployment Compensation Division
Statutory Authority: Code of Ala. 1975, §§25-2-7, 25-2-8, 25-4-111.

History: Amended: December 10, 1984. **Emergency Rule:** October 23, 1984. **Amended:** Filed April 8, 1999; effective May 13, 1999. Filed August 21, 2013.