

## UNEMPLOYMENT COMPENSATION TECHNICIAN - 11461



### HOW TO PREPARE BOOKLET

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## **I. Introduction**

A written examination is being given in order to establish a register for the classification of Unemployment Compensation Technician (11461). The purpose of this booklet is to help you prepare for the written exam. Since all the material you will need to take the exam will be provided at test administration, you will not be allowed to bring this booklet to the exam with you.

## **II. The Job**

Unemployment Compensation Technician positions are with the Department of Labor (formerly the Department of Industrial Relations) at locations statewide. This is specialized technical or supervisory work in processing claims for benefits or establishing and maintaining subject employer accounts for unemployment compensation taxes. Employees in this class perform responsible work in a specialized program such as establishing initial claims processing, benefit payments, non-monetary determinations, overpayments, quality appraisal, technical support, employer accounts, processing contribution reports, resolving delinquent accounts, and creating employer tax rates. Employees in this class are responsible for gathering and interpreting information from claimants and employers to assist them in processing claims for benefits or maintaining employer accounts. All work is performed according to the state unemployment compensation law and the rules and regulations of the Department of Labor. Work involves supervision of Employment Security Representatives and a labor pool. Work in the class is distinguished by activities requiring in-depth technical knowledge or technical supervision of a small number of personnel. Work is performed according to established procedures and is reviewed by an administrative superior while in progress and through activity reports.

## **III. The Examination**

The examination for this classification is a multiple-choice exam. A multiple-choice exam is designed to measure specific knowledges and abilities. The test is divided into six sections with each section measuring a different knowledge or ability. Applicants are presented with a test question and four possible responses to that question. Applicants then select the BEST possible response to the question.

During the exam, you will be required to respond to approximately 92 questions regarding six topics. You will have 3 hours to respond to the items.

## **IV. How The Written Examination Was Developed**

A study of the Unemployment Compensation Technician classification was conducted before developing the examination. Employees who work in this position and their supervisors participated in this study to determine the job duties performed by Unemployment Compensation Technicians as well as the knowledges and abilities Unemployment Compensation Technicians must possess in order to perform the job duties of the position.

The study showed that the following knowledges and abilities are associated with the job duties of the position. Unemployment Compensation Technicians must possess the following knowledges and abilities their first day of work before training:

## Knowledges

- K-01 Knowledge of departmental policies, procedures, rules, regulations, and practices as needed to direct personnel, improve efficiency, provide information, and ensure compliance.
- K-04 Knowledge of basic math to include addition, subtraction, multiplication, division, and percentages as needed to determine and explain UC benefit amounts, employer charges, and employer taxes.**
- K-05 Knowledge of departmental computer programs such as Alabama Benefit Payment System (ABPS), Automated Unemployment Tax System (AUTS), RIC, IBIQ, IFO, and PaperVision to include available screens, what information is contained in each screen, and how to input and extract data from the system as needed to look up information about claimants/employers and document services provided to claimants/employers.
- K-06 Knowledge of English grammar to include proper spelling, structure, and punctuation as needed to perform effective oral and written communication.**
- K-07 Knowledge of UC law and procedures to include administrative rules and departmental memos, scope and limitation of disqualifications, procedures in processing a claim, and employer responsibility (i.e., tax liability, time deadlines for responding, appeal rights) as needed to interpret guidance materials, determine compliance, formulate/implement proper program protocols, complete contractual obligations, ensure current minimum standards of compliance, and meet audit requirements.**
- K-08 Knowledge of claims processing procedures to include eligibility requirements, availability, employer rights and responsibilities, confidentiality, and categories of denial (i.e., monetary, non-monetary/non-separation, separation) as needed to determine payment/ensure proper payment is dispersed.**
- K-09 Knowledge of UC programs such as UCFE, UCX, TAA, TEUC, DUA, and TRA to include responsible unit, claims procedures, and exchange of information among programs as needed to facilitate proper handling of a claim and adequately explain benefit-related decisions to claimants, employers, and general public.
- K-10 Knowledge of UC Manuals such as the UC Claims Manual, Employee Training Manual, Adjudicator Manual, BTQ Manual, Handbook 395, Administration Rules, and Interpretative Series to include claim terminology, methodology for claims processing, procedures for quality assurance investigation, and application of policies and procedures to individual claims as needed to process claims, verify accuracy of claims, and discuss policies and procedures.

## Abilities

- A-01 Ability to establish and maintain effective working relationships with people having diverse backgrounds to include subordinates, superiors, the general public, community leaders, government officials, attorneys, claimants, and employers.
- A-02 Ability to communicate orally in one-on-one and group situations such as interviews, telephone conversations, counseling sessions, and meetings to include listening, understanding, and talking at the level of the listener(s) as needed to obtain and provide information and training.
- A-03 Ability to plan and organize to include setting priorities; formulating goals and objectives; time management; and monitoring of time spent on projects, applications, and research as needed to meet deadlines, allocate resources, and achieve objectives.**
- A-04 Ability to operate a personal computer to include composing documents, recording information, inputting and extracting data, analyzing data, and performing research as needed to retrieve, store, provide, and transmit information.
- A-05 Ability to use office equipment such as FAX machine, telephone, typewriter, copy machine, and calculator as needed to perform administrative functions.

- A-06 **Ability to read and comprehend technical (tax laws, procedure manuals, etc.) and non-technical information and data as needed to conduct research, ensure compliance with applicable laws, and provide information and services.**
- A-07 **Ability to analyze and interpret data and written information (e.g. placement reports, unemployment reports, etc.) as needed to provide information or guidance; to make decisions about services provided to claimants, employers, staff, and the general public; and to remain abreast of current trends.**
- A-09 Ability to learn new program offerings, software systems, etc. such as Department of Labor Internet software as needed to keep pace with changing job duties.
- A-10 **Ability to analyze and solve problems to include gathering all information and remaining impartial as needed to resolve complaints from staff, claimants, etc., and determine appropriate action for situations involving provided services.**
- A-11 Ability to remain calm in stressful situations to include communicating with people with conflicting views; dealing with emotional, aggravated, and indignant individuals; and remaining impartial as needed to maintain a professional working environment.
- A-12 Ability to maintain databases of information to include entering current information and updating databases as needed to provide services to employers and claimants.
- A-13 **Ability to review correspondence and technical documents such as letters, memoranda, claims summaries, and fact summaries to include structure, organization of document, and spelling and grammar as needed to comply with departmental policies and regulations, identify problems, comply with requests, and/or disseminate information.**
- A-14 Ability to write correspondence and technical documents such as letters, memoranda, claims summaries, and fact summaries to include structure, organization of document, and spelling and grammar as needed to comply with departmental policies and regulations, identify problems, comply with requests, and/or disseminate information.
- A-15 Ability to conduct research to include identifying appropriate avenues for research and following up on information as needed to find information and make determinations regarding claimant eligibility.
- A-17 Ability to interpret laws and policies for claimants, employers, and other staff members as needed to explain procedures and rationale for decisions.
- A-19 **Ability to extract important information/details from conversations and written information as needed to process claims, process applications, and make determinations for eligibility.**
- A-20 Ability to complete tasks in the face of multiple interruptions as needed to perform assigned job duties.
- A-21 **Ability to analyze detail such as identifying incorrect coding and recognizing whether information provided complies with requirements as needed to ensure accuracy and usefulness of information collected/entered.**
- A-22 Ability to use computer software programs such as Excel, Lotus 1-2-3, Approach, Word, Microsoft Works, and WordPerfect as needed to access information and to prepare documents and correspondence.

The examination for Unemployment Compensation Technician will measure the eleven knowledges and abilities that appear above in **bold print**. The remaining abilities and knowledges cannot be measured by a written test and must be demonstrated during the probationary period if you are hired as an Unemployment Compensation Technician.

## V. What To Do Before You Come To Take The Examination

Here are some suggestions for what to do before the examination and for getting to the exam location on the correct day, on time, and with the proper materials that you will need to take the examination.

- **Get there early.** Give yourself plenty of extra time to get to the test center and to park. If you are rushed and late, you will be upset when you get there. Plan to get there before the scheduled exam time.
- **Do not bring this booklet or any study materials with you to the exam location.** This includes notes and any manuals and source documents that you may have used to prepare for the examination.
- **You must bring the test schedule card** that you received from the State of Alabama Personnel Department. This card lists the examination title, location of exam, and date, day, and time of examination.
- **You must bring two sharpened #2 lead pencils.**
- **You must also bring picture identification to the exam location.** This may be your driver's license, a military identification card, or a passport.
- **You may bring a calculator to use for the Unemployment Compensation Technician examination. Small solar powered or battery operated calculators that perform basic functions such as addition, subtraction, multiplication, division, square roots, or percentages are allowed. Calculators that plug-in, utilize tape, have word processing, spelling, thesauruses, or other storage and retrieval capabilities (except basic memory functions) are not allowed. Calculators that are a feature on a cell phone are not permitted. Calculators are subject to inspection by exam monitors. Applicants may not borrow or share calculators at the exam site.**

# Test Taking Tips

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- **Listen** to the test monitors and follow their instructions carefully.
- If you are not sure of an answer, **go with your first choice**.
- Work through the test **without spending too much time on any one item**.
- If you cannot decide on the best answer to a question, **skip it and go back to it later**.
- Use your watch or the clock in the room to **keep track of your time** during the test.
- It is to your advantage to **answer as many questions as possible**, even if you must guess.
- **Mark your answers on the Scantron answer sheet**. You may write in the test booklet, but only answers clearly marked on the Scantron answer sheet can be given credit.
- If you have a question at **any time before or during the exam, ask the monitor for assistance**.

## **VI. How To Prepare Using This Guide**

This Pretest Booklet can be used as resource material. The questions contained in the booklet are representative of the types of questions that will be on the actual examination. Familiarize yourself with the sample questions that begin on page 9. The answers to each question are provided on page 13. You should read the instructions and answer each question carefully. Like the examination questions, the sample items are presented in the following categories:

Section I. Mathematical Knowledge

Section II. Knowledge of English/Ability to Review Documents

Section III. Problem Solving/Planning and Organizing Ability

Section IV. Reading Comprehension

Section V. Ability to Analyze Detail

Section VI. Knowledge of Unemployment Compensation Laws and Claims Processing  
Procedures

### **RESOURCE MATERIALS**

At the end of this booklet, you will find several excerpts from the Unemployment Compensation Laws of Alabama. You should take a moment to read through and familiarize yourself with these excerpts. Some of the information contained in these laws may be included on the written examination.

## VII. Sample Test Questions

### Section I. Mathematical Knowledge

**INSTRUCTIONS:** For **questions 1-2**, calculate the following:

1. An employee has an annual salary of \$26,965. After he arranges to have deducted from his salary 12% for the purchase of bonds, 17% for federal withholding tax, and 3% for a retirement fund, what is the amount of his monthly check?
  - A. \$1,528.02
  - B. \$1,507.98
  - C. \$1,597.88
  - D. \$1,697.88
  
2. Last year, a total of 109,782 persons filed for unemployment compensation,  $\frac{2}{3}$  of which were males. The monthly average for males was closest to \_\_\_\_\_.
  - A. 3659
  - B. 6099
  - C. 6861
  - D. 9149

### Section II. Knowledge of English/Ability to Review Documents

**INSTRUCTIONS:** For **questions 3-5**, only one of the four sentences is grammatically correct. Choose the sentence which is correct.

3.
  - A. Bill and Bob are more athletic than he, but John is the brighter of all three.
  - B. Bill and Bob are more athletic than he, but John is the brightest of all three.
  - C. Bill and Bob is more athletic than him, but John is the brightest of all three.
  - D. Bill and Bob is more athletic than him, but John is the brighter of all three.
  
4.
  - A. When the committee reports its findings, somebody will lose their job.
  - B. When the committee reports their findings, somebody will lose their job.
  - C. When the committee reports its findings, somebody will lose his job.
  - D. When the committee reports their findings, somebody will lose his job.
  
5.
  - A. When a good actress cries, she feels real sad.
  - B. When a good actress cries, she feels really sadly.
  - C. When a good actress cries, she feels really sad.
  - D. When a good actress cries, she really feels sad.

**Section III. Problem Solving/Planning and Organizing Ability**

**INSTRUCTIONS:** Read the following scenario. Then read and respond to **questions 6-7**. Base your responses on the situation only, not on previous experience. Select the most appropriate choice. Consider each question to be a separate situation, and answer each question independently of the others.

Scenario I

You have ten projects you are responsible for completing by the deadlines given. It is now January 1<sup>st</sup>. All of these projects must be completed this year. Assume you have a forty-hour workweek with no overtime allotted. Each project has specific parameters in which you must work. The number of clerical hours and the number of professional hours that have been projected to complete the project are also provided in the table. The professional hours needed to complete the projects are estimates of the time you will spend on the projects yourself. The number of clerical hours needed to complete the projects are estimates of the time your assistant will spend on the projects. Unless specifically stated, you cannot receive assistance from other professional or clerical staff. The level of importance of the projects is in parenthesis next to the project number. Projects with deadlines of high levels of importance take precedence over projects with low and medium levels of importance. You can negotiate low priority project deadlines with your supervisor. The deadlines of medium and high level importance projects can only be changed by your supervisor.

PROJECT	DEADLINE	# OF CLERICAL HOURS	# OF PROFESSIONAL HOURS	PARAMETERS OF PROJECT
1 (high)	November 20	25	300	You cannot work on this project while working on project 8. You may have other clerical personnel assist you in this project.
2 (low)	June 8	29	82	You cannot work on this project while working on project 4
3 (low)	June 15	21	65	You may have other professional staff assist you on this project. This project has 3 steps that have to be done in order and independently. Step 3 of project 7 must be completed prior to beginning step 2 of this project.
4 (medium)	March 5	65	35	You cannot work on this project while working on project 8. This project has three steps that must be completed independently and in order.
5 (low)	September 25	102	215	A consulting firm has been contracted to assist you on this project. They will provide clerical and professional assistance; however you will still dedicate the 102 clerical hours and 215 professional hours to this project. This project has 6 steps.
6 (high)	April 3	12	120	You must have the final product approved by your supervisor before submission which will add approximately two weeks to your working time
7 (low)	April 9	85	160	This project has five steps; step 2 and 3 can be done concurrently but all other steps must be done independently and in order.
8 (high)	December 31	45	22	The final product of project 10 and step 3 of project 5 must be completed prior to beginning this project.
9 (medium)	June 8	25	80	Your assistant is affected by the outcome of this project; therefore, you must use other clerical staff to assist you.
10 (medium)	March 20	48	18	You cannot work on this project while working on projects 6 or 7. You cannot begin this project until step 2 of project 4 is completed.

6. It is March 1st and you have completed Projects 4, 10, and 7. Which of the following project(s) **must** you have already started working on to meet the deadlines set?
- A. Project 6, 2, and 9
  - B. Project 6 and 2
  - C. Project 6
  - D. Project 6 and 9
7. Which of the following combinations of projects would be plausible to begin work on concurrently?
- A. Projects 4 and 10
  - B. Projects 2 and 9
  - C. Projects 10 and 6
  - D. Projects 7 and 10

**Section IV.** Reading Comprehension

**INSTRUCTIONS:** Questions 8-9 are based on the following reading selection and should be answered only on the basis of the information in that selection.

WHAT IS A GOVERNMENTAL ENTITY

State Governmental Units - The law provides that "The whole of state government is considered to be one single entity." Therefore, the various departments, agencies, boards, commissions or other instrumentalities which administer the various functions of the government of the State of Alabama are covered and liable for the payment of the costs of paying unemployment benefits to their workers.

Local Government - A local governmental entity consists of each county, each city or town, each school district or each instrumentality of any single local governmental entity or one organized and operated jointly by two or more entities.

Local Governmental Instrumentalities - These are defined as being separately organized and operated independent organizations of a county or municipality to carry on some function of government for the city or county, or jointly, with power to hire, supervise and discharge its own employees, and generally to sue or be sued in its own name, to contract, or to hold and convey real and personal property. Examples are: Housing authorities, water and sewer boards, industrial development commissions.

8. Which of the following are local governmental entities according to the selection?
- I. Birmingham Fire Department
  - II. City of Gadsden
- A. Only I
  - B. Only II
  - C. Both I and II
  - D. Neither I nor II

9. Which of the following are characteristics of a local governmental instrumentality according to the selection?
- I. Having the power to levy and collect taxes
  - II. Having the power to legislate and enforce laws
- A. Only I
  - B. Only II
  - C. Both I and II
  - D. Neither I nor II

**Section V.** Ability to Analyze Detail

**INSTRUCTIONS:** **Question 10** contains three lines of data. Each line contains a group of letters and a group of numbers. The numbers on each line should correspond with the code letters on the same line in accordance with the table displayed below.

Code Letter	S	V	W	A	Q	M	X	E	G	K
Corresponding Number	0	1	2	3	4	5	6	7	8	9

10. Review the following lines of data for errors and select the most appropriate answer:

WQKGSXG	2489068
XEKVQMA	6591453
KMAESXV	9527061

- A. There are one or more errors in one line of data.
- B. There are one or more errors in two lines of data.
- C. There are one or more errors in three lines of data.
- D. There are no errors in any of the lines of data.

**Section VI.** Knowledge of Unemployment Compensation Laws and Claims Processing Procedures

**INSTRUCTIONS:** Use your knowledge of Unemployment Compensation Laws and Claims Processing Procedures to answer **question 11**.

11. A claimant was fighting with another employee on the job and threw a plastic coffee cup at a coworker. The coffee cup missed hitting the coworker. The claimant had received a prior warning for fighting on the job. What would be the reason for disqualification?
- A. misconduct
  - B. misconduct after warning
  - C. major misconduct
  - D. a "quit"

## Answers to Sample Questions

### Section I. Mathematical Knowledge

1. A
2. B

### Section II. Knowledge of English/Ability to Review Documents

3. B
4. C
5. D

### Section III. Problem Solving/Planning and Organizing Ability

6. C
7. B

### Section IV. Reading Comprehension

8. B
9. D

### Section V. Ability to Analyze Detail

10. B

### Section VI. Knowledge of Unemployment Compensation Laws and Claims Processing Procedures

11. B

## **VIII. Banded Scoring**

When the written exam for Unemployment Compensation Technician is graded, the scores will be grouped into bands. When you receive notification of how you performed on the exam, you will not be given a numerical score (i.e., 67 out of 80, 93 out of 100). Rather, you will be informed into which band (i.e., 1, 3, 6, 10) your score fell. The following information is provided to help you understand the banding procedure.

### **What is banding?**

Banding is one way to reduce the impact of fluctuations in test scores that do not provide meaningful information about differences in the ability to perform the job. One important purpose of testing is to identify the differences in test scores that reflect real differences among candidates. Banded scoring is a statistical procedure for grouping raw test scores that statistically are not meaningfully different from one another. In banded scoring, bands are set objectively and statistically. They are not manipulated arbitrarily.

### **Misconceptions about banding.**

There are many misconceptions about banding and the use of banded scores. Some of the most common misconceptions are listed below. Each misconception is followed by a clarification.

#### ***Misconception: Each band should have the same number of people.***

We do not force bands to be a certain size. The people in a band are similar to each other in that statistically there is no meaningful difference in their scores. Sometimes Band 1 may be very large, and at other times it may be small. People's scores determine the size of the bands. We never know how many people will be in each band until we receive the test scores.

#### ***Misconception: Band numbers have no meaning. I don't have a score.***

Band numbers do have meaning. Think of a band as a group of tied scores. Consider that in school two students with average grades of 94.5 and 94.3 would both be grouped into the same band. Just because one student made a 94.5 and one student made a 94.3, the teacher cannot be sure that 0.2 of a point means that the student who scored 94.5 is smarter or is a better student. The scores are so close to each other that they are basically the same.

For example, think of the achievement tests that children take in school. The fine print on these tests always informs you not to focus on the numerical score but rather on the comparative score, which uses some type of grouping technique such as percentiles, stanines, standard deviations, grade levels, etc. These grouping techniques are considered forms of banding. Banding compares your performance on the test to the other test takers' performance and groups your score with others that are statistically the same.

#### ***Misconception: Band numbers are the same as letter grades.***

Band numbers are not the same as letter grades. Band 1 does not equate to an "A," Band 2 to a "B," and so on. In school, a predetermined numerical range of scores (i.e., 90-100, 80-89, 70-79) equals an alphabetical value (i.e., A, B, C). This grading system is a form of banding. In this case, unlike grade school, the width of bands is not set in advance. Scores are banded only in relation to one another, so you compete against other test takers. The scores of all test takers determine the width of the bands, and your score is set in relation to the scores of your peers.

#### ***Misconception: A banded score on one test has the same value as a banded score on another test.***

Banded scores are test specific and cannot be compared from test to test. Consider that a test taker scored 88 on one test, and the highest score of all test takers was 89. It is likely for this exam that the test taker who scored 88 would be in Band 1. However, if the same person scored the same grade on another test, and the highest score of all test takers was 100, he/she may be in Band 2 or Band 3. Candidates' scores vary on each test, and since candidate scores determine the width of bands and into which band test takers fall, the value of a banded score varies from test to test.

***Misconception: People with the most seniority who have been on the job longest should be in the top bands.***

People with the most experience do not always fall into the top bands. Time spent in a job may not be the same as possessing a knowledge, skill, or ability needed to perform the job. The people with the strongest knowledges, skills, and abilities (or who did best on the exam) will be in the top bands. Some of the people in the top bands will have been in similar jobs for a long period of time, and others will have been in similar jobs for a short period of time. Years of service do not always equal proficiency. Candidates with seniority or experience do not automatically perform best on the test. Regardless of seniority, candidates who display the appropriate knowledges, skills, and abilities perform best on the test.

***Misconception: A standing in Band 4 or below automatically indicates failure or ineligibility for jobs.***

A band number of 4 or lower is not automatically equated with failure. For one test, there may only be 4 bands, and for another test, there may be 14 bands. So, your success on the test based on your position in a band varies from test to test. Your standing in a band does not indicate whether or not you pass or fail the test. The true test of success in your employment opportunities is whether or not you can be certified and considered for a job vacancy.

***Misconception: Banding replaced the "Rule of 10."***

Banding did not replace the "Rule of 10." The "Rule of 10" determines the number of bands to be certified. In the past, tied scores referred to an actual numerical score (e.g., two candidates with a score of 98.98 were considered tied) while now all of the scores within a band are considered tied.

***Misconception: People in a band do not differ.***

When several people are placed in the same band, it does not mean that those people do not differ at all. Instead, it means that their scores on the exam do not differ enough to be separate scores.

## **IX. Frequently Asked Questions About the Unemployment Compensation Technician Job**

### ***Are there any vacancies for the Unemployment Compensation Technician?***

You may contact the personnel office of the Department of Labor to determine current or future vacancies.

### ***How are vacancies filled for the Unemployment Compensation Technician?***

The top ten applicants on each register are sent to the Department of Labor for consideration. Since the banded scoring process is used, all of the scores within a band are considered tied. **Therefore, all names within a band are certified out to the agency, which may include more than 10 names.** The names of people not selected stay on the register to be considered for future jobs. Employees are usually hired at the minimum of the pay range.

### ***How long will I remain eligible for appointment?***

Your name will remain on the employment register for two years from the date you were placed on the register. You will be notified by mail when to reapply.

### ***When will I receive my test results?***

Four to six weeks after completing the exam, you will receive a Notice of Examination Results postcard in the mail. This postcard will identify your score, or band placement, for the written exam. If you have not received your score within four to six weeks, you should call the State Personnel Department.

In addition to your band placement, you may also obtain your standing, or rank on the register, online at [www.personnel.alabama.gov](http://www.personnel.alabama.gov). From the home page, you should click on “Applicants” and then “Register Standings”, and follow the instructions. For security purposes, you must now create an online profile in order to access your standing.

### ***What if I need to request Reasonable Accommodations?***

If you would like to request special testing accommodations or have any questions concerning the test site or testing conditions, please contact the State Personnel Department at (334)242-3389.

### ***What if I need to reschedule the written examination?***

If there is a conflict in your schedule, and you are unable to attend the written exam at the time and date for which you have been scheduled, you must resubmit your Application for Examination. The State Personnel Department will schedule you for the next available administration of this written test.

## **X. Selected Excerpts from the Unemployment Compensation Laws of Alabama**

### **25-4-1. Base period.**

“Base period,” as used in this chapter, means the first four of the last five completed calendar quarters immediately preceding the first day of an individual benefit year.

### **25-4-3. Benefit year.**

“Benefit year,” as used in this chapter with respect to any individual, means the one-year period beginning with the first day of the first week with respect to which an individual who is unemployed first files a valid claim for benefits or a claim is filed by an employer on behalf of an employee working less than full time, and thereafter the one-year period beginning with the first day of the first week with respect to which such individual next files a valid claim for benefits or such a claim is filed by an employer on behalf of an employee working less than full time, after the termination of his last preceding benefit year.

### **25-4-51. Rate of contributions, etc., by employers.**

(a) *Contributions.* Except as hereinafter provided and subject to the provisions of Section 25-4-54, every employer shall pay contributions, or payments in lieu of contributions, equal to the percentages of wages payable or paid as hereinafter set out, with respect to employment by him.

### **25-4-71. When individuals deemed unemployed.**

An individual shall be deemed totally unemployed in any week during which he performs no services and with respect to which no wages are payable to him, and shall be deemed partially unemployed in any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount. The director shall prescribe regulations applicable to unemployed individuals, making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs and other forms of short-time work, as the director deems necessary. Wages are deemed to be payable to an individual working on a commission basis with respect to each week in which he works.

### **25-4-77. Benefits eligibility conditions; “suitable employment” and jury duty defined; applicability of subdivision (a)(5).**

(a) An unemployed individual shall be eligible to receive benefits with respect to any week in a benefit year which begins on or after January 1, 1989, only if the director finds that:

(6) He has during his base period been paid wages for insured work equal to or exceeding one and one-half times the total of the wages for insured work paid to him in that quarter of such base period in which such total wages were the highest and in addition, qualifies for benefits under the provisions of Section 25-4-72; provided, however, that no otherwise eligible individual who shall have received benefits in a preceding benefit year shall be eligible to receive benefits in a succeeding benefit year unless and until such otherwise eligible individual, subsequent to the beginning date of the preceding benefit year, shall have worked in insured employment for which work he earned wages equal to at least eight times the weekly benefit amount established for such individual in the preceding benefit year.

### **25-4-78. Disqualifications for benefits.**

An individual shall be disqualified for total or partial unemployment:

(2) **VOLUNTARILY QUITTING WORK.** If he has left his most recent bona fide work voluntarily without good cause connected with such work.

a. 1. However, he shall not be disqualified if he was forced to leave work because he was sick or disabled, notified his employer of the fact as soon as it was reasonably practicable so to do, and returned to that employer and offered himself for work as soon as he was again able to work;

provided, however, this exception shall not apply if the employer had an established leave-of-absence policy covering sickness or disability and:

- (i) The individual fails to comply with same as soon as it is reasonably practicable so to do; or
  - (ii) Upon the expiration of a leave of absence shall fail to return to said employer and offer himself for work, if he shall then be able to work, or if he is not then able to work, he fails to so notify his employer of that fact and request an extension of his said leave of absence as soon as it is reasonably practicable so to do.
2. In case of doubt that an individual was sick or disabled, or as to the duration of any such sickness or disability, the director may, or if the employer requests it, the director shall require a doctor's certificate to establish the fact or facts in doubt.
  3. An established leave-of-absence policy shall be any leave-of-absence policy covering sickness and disability communicated to the employee by the customary means used by the employer for communicating with his employees.
  4. Nothing herein shall be construed or interpreted as authorizing the payment of benefits to any person during, or for, unemployment due to sickness or disability or during any period in which he is on a leave of absence granted in accordance with an established leave-of-absence policy, the duration of which leave was set in accordance with his request or in accordance with a collective bargaining agreement; except, that if such leave of absence is on account of pregnancy and extends beyond the tenth week following termination of such pregnancy, the individual shall not be denied benefits under the provisions of this subdivision (2) beyond such tenth week if she has given the employer three weeks notice of her desire to return to work, is then able to work and has not refused reinstatement to a job which under the provisions of subdivision (5) of this section would be deemed suitable for her.
- b. When an individual is disqualified under this subdivision (2):
1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until:
    - (i) He has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of Section 25-4-10; and
    - (ii) For which employment he has earned wages equal to at least 10 times his weekly benefit amount for the benefit year in which such disqualification is assessed; and
    - (iii) He has been separated from such employment under nondisqualifying conditions.
  2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to not less than six nor more than 12 times his weekly benefit amount.
  3. For the purpose of the experience rating provisions of Section 25-4-54, no portion of the benefits payable to him, based upon wages paid to him for the period of employment ending with the separation to which the disqualification applies, shall be charged to the employer's experience rating account. If the individual has been separated from employment other than his most recent bona fide work under conditions which would have been disqualifying under this

subdivision (2) had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then no portion of any benefits paid to him based upon wages for the period of employment ending in such separation shall be charged to the employer's experience rating account.

- c. An individual shall not be disqualified if he left his employment and immediately returned to work with his regular employer or to employment in which he had prior existing statutory or contractual seniority or recall rights. When this exception is applied, any benefits paid to such individual based upon wages paid for that period of employment immediately preceding the separation to which the exception is applied, which have not been heretofore charged to the employer's experience rating account, shall not be charged to the account of such employer.
- d. For the purposes of this subdivision (2) and subdivision (3) of this section, the director in determining the "most recent bona fide work" shall only consider employment of the nature described in subsection (a) of Section 25-4-10. The director shall also consider the duration of the most recent job or jobs, the intent of the individual and his employer as to the permanence of such work and whether separation from the immediately preceding employment was under conditions which would be disqualifying in the event such immediately preceding employment should be determined to be the most recent bona fide work.

### (3) DISCHARGE FOR MISCONDUCT.

- a. If he was discharged or removed from his work for a dishonest or criminal act committed in connection with his work or for sabotage or an act endangering the safety of others or for the use of illegal drugs after previous warning or for the refusal to submit to or cooperate with a blood or urine test after previous warning. Disqualification under this paragraph may be applied to separations prior to separation from the most recent bona fide work only if the employer has filed a notice with the director alleging that the separation was under conditions described in this paragraph in such manner and within such time as the director may prescribe.
  - (i) A confirmed positive drug test that is conducted and evaluated according to standards set forth for the conduct and evaluation of such tests by the U.S. Department of Transportation in 49 C.F.R. Part 40 or standards shown by the employer to be otherwise reliable shall be conclusive presumption of impairment by illegal drugs. No unemployment compensation benefits shall be allowed to an employee having a confirmed positive drug test if the employee had been warned that such a positive test could result in dismissal pursuant to a reasonable drug policy. A drug policy shall be deemed reasonable if the employer shows that all employees of the employer regardless of position or classification, are subject to testing under the policy, and in those instances in which the employer offers as the basis for disqualification from unemployment compensation benefits the results obtained pursuant to additional testing imposed on some but not all classifications, if the employer can also offer some rational basis for conducting such additional testing. Further, no unemployment compensation benefits shall be allowed if the employee refuses to submit to or cooperate with a blood or urine test as set forth above, or if the employee knowingly alters or adulterates the blood or urine specimen.
  - (ii) For purposes of paragraph a. and item (i) of paragraph a. of this subdivision, "warning" shall mean that the employee has been advised in writing of the provisions of the employer's drug policy and that either testing positive pursuant to the standards referenced above or the refusal to submit to or cooperate with a blood or urine test as set out in the above referenced standards could result in termination of employment. This written notification as herein

described shall constitute a “warning” as used in paragraph a. and item (i) of paragraph a. of this subdivision.

- (iii) To the extent that the issue is a positive drug test or the refusal to submit to or cooperate with a blood or urine test, or if the employee knowingly alters or adulterates the blood or urine sample, as distinguished from some other aspect of the employer’s drug policy, this disqualification under paragraph a. and item (i) of paragraph a. shall be the only disqualification to apply, in connection with an individual’s separation from employment. Other non-separation disqualifications may apply.

When an individual is disqualified under this paragraph:

1. He shall not be entitled to benefits for the week in which the disqualifying event occurs or for any week thereafter until he has reentered insured employment or employment of the nature described in subdivisions (5), (6), (7), (8), (9), (10) or (18) of subsection (b) of Section 25-4-10, has earned wages equal at least to 10 times his weekly benefit amount and has been separated from such employment for a nondisqualifying reason.
  2. He shall not thereafter be entitled to any benefits under this chapter on account of wages paid to him for the period of employment by the employer by whom he was employed when the disqualifying event occurred.
  3. For the purposes of the experience rating provisions of Section 25-4-54:
    - (i) No portion of any benefits based upon wages paid to the individual for the period of employment by the employer by whom he was employed when the disqualifying event occurred shall be charged to the employer’s experience rating account.
    - (ii) In the case of a separation prior to the separation from the most recent bona fide work, if the only reason disqualification under this paragraph a. was not assessed was the failure of the employer to properly file a timely separation report with the director and the employer files such a report within 15 days after the mailing of a notice of payment, then no portion of any benefits paid based upon the wages paid for the period of employment ending in such prior separation shall be charged to the employer’s experience rating account.
- b. If he was discharged from his most recent bona fide work for actual or threatened misconduct committed in connection with his work (other than acts mentioned in paragraph a. of this subdivision (3)) repeated after previous warning to the individual. When an individual is disqualified under this paragraph, or exempt from disqualification for a separation under such conditions prior to his most recent bona fide work, the effect shall be the same as provided in paragraph b. of subdivision (2) of this section for disqualification or exemption from disqualification respectively.
- c. If he was discharged from his most recent bona fide work for misconduct connected with his work [other than acts mentioned in paragraphs a. and b. of this subdivision (3)]:
1. He shall be disqualified from receipt of benefits for the week in which he was discharged and for not less than the three nor more than the seven next following weeks, as determined by the director in each case according to the seriousness of the conduct.

2. The total amount of benefits to which he may otherwise be entitled as determined in accordance with Sections 25-4-74 and 25-4-75 shall be reduced by an amount equal to the product of the number of weeks for which he shall be disqualified multiplied by his weekly benefit amount.
  3. Only one-half of the benefits paid to him based upon wages for that period of employment immediately preceding the separation to which the disqualification applies shall be charged to the employer for the purposes of the experience rating provisions of Section 25-4-54. If the individual has been separated from employment, other than his most recent bona fide work, under conditions which would have been disqualifying under paragraph c. of this subdivision (3), had the separation been from his most recent bona fide work and the employer answers a notice of payment within 15 days after it is mailed to him detailing the facts in connection with the separation, then only one-half of the benefits paid to him for that period of employment immediately preceding the separation shall be charged to the employer for the purposes of the experience rating provisions of Section 25-4-54.
  - d. If he has been suspended as a disciplinary measure connected with his work, or for misconduct connected with his work, he shall be disqualified from benefits for the week or weeks (not to exceed four weeks) in which, or for which, he is so suspended and the total amount of benefits to which he may otherwise be entitled shall be reduced in the same manner and to the same extent as provided in subparagraph 2 of paragraph c. of this subdivision (3).
- (5) FAILURE TO ACCEPT AVAILABLE SUITABLE WORK, ETC. If he fails, without good cause, either to apply for or to accept available suitable work or to return to his customary self-employment when so directed by the director or when he is notified of suitable work or it is offered him through a state employment office or the United States Employment Service, or directly or by written notice or offer to any such employment office or employment service by an employer by whom the individual was formerly employed. Such disqualification shall be for a period of not less than one nor more than 10 weeks from the date of said failure. This disqualification shall not apply unless the individual has an established benefit year, or is seeking to establish one or is seeking extended benefits at the time he fails without good cause, to do any of the acts set out in this subdivision (5).
- a. In determining whether or not any work is suitable for an individual, the director shall consider:
    1. The degree of risk involved to his health, safety and morals, his physical fitness and prior training,
    2. His experience and prior earnings,
    3. His length of unemployment,
    4. His prospects for securing local work in his customary occupation,
    5. The distance of the available work from his residence; provided, that no work or employment shall be deemed unsuitable because of its distance from the individual's residence, if such work or employment is in the same or substantially the same locality as was his last previous regular place of employment and if the employee left such voluntarily without good cause connected with such employment.
  - b. Notwithstanding any other provisions of this chapter, no work shall be deemed suitable and benefits shall not be denied under this chapter to any otherwise eligible individual for refusing to accept new work under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or other labor dispute;
  2. If the wages, hours, or other conditions of the work offered are substantially less favorable to the individual than those prevailing for similar work in the locality; or
  3. If as a condition of being employed the individual would be required to join a company union, or to resign from or refrain from joining any bona fide labor organization.
- c. Notwithstanding any other provisions of this section, benefits shall not be denied an individual, by reason of the application of the provisions of this subdivision (5), with respect to any week in which he is in training with the approval of the director as described in subdivision (a)(3) of Section 25-4-77.

**25-4-120. Reciprocal arrangements with state and federal agencies.**

(e) Overpayments of unemployment benefits which have become final under this chapter shall be recovered by offset from unemployment benefits otherwise payable under the unemployment compensation law of another state, and overpayments of unemployment benefits as determined under the unemployment compensation law of the other state shall be recovered by offset from unemployment benefits otherwise payable under this chapter.

(f) Overpayments of unemployment benefits as determine under applicable federal law, with respect to benefits or allowances for unemployment provided under a federal program administered by this state under an agreement with the United States Secretary of Labor, shall be recovered by offset from unemployment benefits otherwise payable under this chapter or any federal program, or under the unemployment compensation law of another state or any federal unemployment benefit or allowance program administrated by the other state under an agreement with the United States Secretary of Labor if the state has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by Section 303(g)(2) of the Federal Social Security Act, and if the United States agrees, as provided in the reciprocal agreement with this state entered into under Section 303(g)(2) of the Social Security Act, that overpayments as determined under this chapter and overpayments as determined under the unemployment compensation law of another state which has in effect a reciprocal agreement with the United States Secretary of Labor as authorized by Section 303 (g)(2) of the Social Security Act, shall be recovered by offset from benefits or allowances of unemployment otherwise payable under a federal program administered by this state or the other state under an agreement with the United States Secretary of Labor.

**SELECTED CASE NOTES:**

**25-4-71. When individuals deemed unemployed.**

**3. Application**

Teachers that continue to be paid wages during summer months are not eligible for unemployment compensation. *Hale v. Cullman County Bd. of Educ.*

Claimant is not disqualified for benefits where unemployment is not voluntary and self-imposed but is a result of a collective bargain which operates as a waiver of, and excludes him from benefits to which he is otherwise entitled. *Director, Dept. of Indus. Relations v. Alabama By-Products, Inc.*

The existence of nonexistence of an employer-employee relationship in cases of partial unemployment is not determinative of whether an individual is “unemployed” under this section or “available for work” under 25-4-77. *Director, Dept. of Indus. Relations v. Alabama By-Products, Inc.*

The fact that an individual is disqualified under this section because all the criteria of unemployment were not met does not directly imply that all the criteria of employment, as that term may be used in another context, were therefore met. *Director of Dept. of Indus. Relations v. Butler.*

A finding that unemployment compensation claimant was disqualified from receiving unemployment compensation benefits under statute because his vacation pay was deemed “wages” did not directly imply that he performed “services” required by requalification statute with respect to succeeding years. Director of Dept. of Indus. Relations v. Butler.

Disqualification for a specific period does not mean that the statutory requirements for requalification in a succeeding year have thereby been met. Director of Dept. of Indus. Relations v. Butler.

**25-4-77. Benefits eligibility conditions.**

**8. -----Proof, availability for work**

A claimant bears the burden of proving that he is available for work during the time for which he seeks benefits. The unemployment compensation statute, however, should be liberally construed in claimant’s favor. The statute is in the nature of insurance for the unemployed worker and is intended to be a remedial measure for his benefit. Polk v. State, Dept. of Indus. Relations.

“Availability” to satisfy the statutory conditions for benefits, must be exemplified by continuing effort to find employment throughout the benefit period. Director of State Dept. of Indus. Relations v. Stone.

Failure of proof of constant availability for employment for which claimant is qualified may require a finding of ineligibility for benefits. Director of State Dept. of Indus. Relations v. Stone.

Where only evidence relating to the proof of “availability for work” is the fact that the claimant went to the employment office prior to leaving her employment and her statement that she needed a job and money, evidence is insufficient to meet the burden of establishing that she was “available for work” within the meaning of unemployment compensation statute. Ventress v. Coker 361.

**25-4-78. Disqualifications for benefits.**

**34. ----- Test, good cause, voluntarily quitting**

Standards that must be used by law are standards of reasonableness as applied to average man or woman, and not to the supersensitive. Department of Indus. Relations v. Mann.

The employee is disqualified from receiving unemployment benefits if she left her employment voluntarily without good cause connected with her work. A “test of good cause is whether it is reasonable when measured by what the average or normal worker would have done under similar circumstances.” Hadley v. Director of Dept. of Indus. Relations.

In determining whether the reason to terminate employment is sufficient for unemployment compensation, the applicable test is whether an average or normal worker would have similarly terminated employment under the facts. State, Dept. of Indus. Relations v. Prance.

Criterion of reasonableness is test whether an employee “left his most recent bona fide work voluntarily without good cause.” Ex parte McCleney.

The pertinent consideration is whether or not claimant acted reasonably in quitting his job. In other words, a test of good cause is whether it is reasonable when measured by what the average or normal worker would have done under similar circumstances. The question is whether it be said that a claimant, under the facts, acted reasonably, that is, as an average or normal worker. Ex parte McCleney.

A test of good cause is whether it is reasonable when measured by what the average or normal worker would have done under similar circumstances. Evergreen Textiles, Inc. v. State Dept. of Indus. Relations.

A breakdown of the cases under the unemployment insurance law on claims of workers alleged to have unreasonably resisted changes of wages, working conditions, introduction of new or different machines or techniques and the like brings out no fixed rule. The only test of whether the employee is disqualified for benefits is what the reasonable man or woman similarly circumstanced would do. Williams v. Boyce.

**39. Expiration of a leave-of-absence, voluntarily quitting**

Had employee been terminated at the end of a leave of absence for failure to report for work, if he was able to work or for failure to request an extension of his leave of absence should he not be able to work, he would have been disqualified under the terms of this section. Department of Industrial Relations v. McLeod.

Expiration of a leave-of-absence does not occur until after the period for which the leave-of-absence was granted. *Southern Bell Tel. & Tel. Co. v. Department of Indus. Relations.*

Word “expiration” means “cessation; close; end; conclusion; termination of a contract or agreement.” *Southern Bell Tel. & Tel. Co. v. Department of Indus. Relations.*

**142. Suitability, failure to accept available work**

Under subdivision (5), a skilled laborer is justified in refusing as unsuitable work offered immediately after separation from his last job, when the offered work is of a type that would require less skill and training than he possesses, and less remuneration. Such justification for refusal however, even for a skilled worker, diminishes as the period of unemployment lengthens. The unemployment compensation laws were not passed as an invitation to idleness. *Broadway v. Bolar.*

Under subdivision (5), the factors pertinent to be considered by the director of the department of industrial relations in determining whether available job was suitable for claimant were (1) degree of risk to health involved, (2) safety, (3) morals, (4) physical fitness of the applicant, (5) prior training of applicant, (6) applicant’s experience and prior earnings, (7) length of applicant’s unemployment and prospect for securing local work in customary occupation, and (8) distance of available work from applicant’s residence. *Broadway v. Bolar.*

This section gives the director and the appeal tribunal much latitude in determining whether offered work is suitable to an unemployed claimant seeking benefits. *Ex parte Alabama Textile Products Corp.*

If director and appeal tribunal find that unemployed claimant seeking benefits under this chapter is not physically able to perform the duties of employment, or that employment is not morally fit for the employee, or the employee does not have the skill to do the work, or that it is not reasonably safe for the employee, and that finding is based on competent evidence, and is not arbitrary or unreasonable, there is nothing for the supreme court to review on certiorari in that respect. *Ex parte Alabama Textile Products Corp.*