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

Please note that due to the developing nature of the pandemic, it is highly likely that the guidance found in this toolkit will require updating.
What does a business do if employees refuse to return to work because they are making more money with their unemployment benefits?

FROM THE ALABAMA DEPARTMENT OF LABOR

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

STEPS TO TAKE IF THIS SITUATION OCCURS:

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

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

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

MORE RESOURCES

Alabama Department of Labor: https://www.labor.alabama.gov/
U.S. Department of Labor: https://www.dol.gov/
REPORTING TO THE DEPARTMENT OF LABOR

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

Check the box and click next.
Choose company and click continue.

Select “Enter Your New Hire Information.”

Enter the employee information and choose work refusal on indicator.

SAMPLE ROSTER

<table>
<thead>
<tr>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
<th>F</th>
<th>G</th>
<th>H</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Company Name and Address:**

**Federal Employer ID Number:**

**Company Contact Person (Phone/Email):**

**Today’s Date:**

**Legal Name of Recalled Employee(s):**

**Refusing Work**

**SSN**

**Home Address**

**Date Laid-Off**

**Date of Re-Call**

Roster for Reporting WORK REFUSAL of Re-Called Employees

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

These sample letters were prepared by several outside employment attorneys, and they have been reviewed by the Alabama Department of Labor. However, they do not constitute legal advice or create any attorney-client relationship with any particular business or entity, and they should not be relied upon as such. Every business has different and unique needs, schedules, workforces and production issues. Use your own business judgment about how you want to communicate with your laid-off or furloughed staff and the time frames for returning them to work, whether all at once or on a graduated schedule. This has been an unprecedented period of time for the workforce not only in West Alabama, but across the nation.
Date: ____________, 2020

Recalled Employee’s Name
Street Address
City, State, Zip

Re: Recall to Employment

Dear [Employee Name]:

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

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

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

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

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

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

Sincerely,
Name of Company Rep
Position Title
Company Name
S-A-M-P-L-E
Date: ______________

Recalled Employee’s Name
Street Address
City, State, Zip

Re: Re-Called to Employment

Dear _____________,

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

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

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

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

Sincerely,

Name of Company Rep
Position Title
Company Name
Address
Phone
e-mail
UNEMPLOYMENT COMPENSATION FRAUD IS A CRIME.

EXAMPLES OF FRAUD

Making false statements to obtain unemployment compensation.

Attempting to draw benefits while working.

Continuing to file a claim after returning to work.

Being paid “under the table” while collecting unemployment compensation.

Not being truthful when filing your initial or weekly claims.

FRAUD PENALTIES

Up to a Class B Felony
Fines of up to $500 AND up to 12 months in jail for each fraudulent week claimed
Mandatory ineligibility for up to a two year period

REPORT FRAUD

Call 800-392-8019