

1 SB100  
2 214827-1  
3 By Senator Elliott  
4 RFD: Fiscal Responsibility and Economic Development  
5 First Read: 13-JAN-22

8 SYNOPSIS: This bill would establish procedures for an  
9 employer to apply to the Department of Labor for  
10 seasonal employer status.

11 This bill would authorize the Department of  
12 Labor to designate seasonal employer status.

13 This bill would provide standards for  
14 receiving unemployment benefits as a seasonal  
15 employee.

16 This bill would also define terms relating  
17 to seasonal employment.

19 A BILL

20 TO BE ENTITLED

21 AN ACT

22  
23 Relating to employment; to establish procedures for  
24 seasonal employment; to provide further for unemployment  
25 benefits; and to provide definitions.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. For the purposes of this act, the  
2 followings terms have the following meanings:

3           (1) ACTIVE SEASONAL PERIOD. The regularly recurring  
4 period of working operations within a calendar year, not to  
5 exceed six months, in which a seasonal employer customarily  
6 has an increase of 20 percent in business operations.

7           (2) BASE PERIOD. A point or reference period in time  
8 for which data is gathered and used as a benchmark against  
9 economic data from other periods to interpret them on a common  
10 basis.

11           (3) DEPARTMENT. The Department of Labor.

12           (4) INACTIVE SEASONAL PERIOD. The period within a  
13 calendar year in which there is a customary decline in  
14 operations and is other than the active seasonal period.

15           (5) NONSEASONAL WAGES. Wages earned in employment  
16 other than seasonal employment.

17           (6) REASONABLE ASSURANCE. Written, oral, or implied  
18 agreement that the employee will be offered the opportunity to  
19 perform services in the subsequent seasonal period.

20           (7) SEASONAL EMPLOYER. An employer who customarily  
21 employs more workers during a regularly recurring period of  
22 time that is less than a full calendar year and has been  
23 determined to be a seasonal employer by the Department of  
24 Labor.

25           (8) SEASONAL EMPLOYMENT. Employment within the  
26 active seasonal period.

1           (9) SEASONAL WAGES. Wages earned during seasonal  
2 employment by seasonal temporary workers who are employed for  
3 a period not exceeding six months.

4           (10) SEASONAL TEMPORARY WORKER. An individual who  
5 has earned seasonal wages from a seasonal employer during the  
6 approved active seasonal period.

7           Section 2. (a) (1) No employer shall be considered a  
8 seasonal employer until the department issues a written  
9 determination that an applicant is a seasonal employer.

10           (2) An application for a seasonal employer  
11 determination shall be made 60 days prior to the beginning of  
12 the seasonal period.

13           (b) (1) Upon application for seasonal employer  
14 status, the department shall determine whether the employer is  
15 seasonal and, if seasonal, the employer's active seasonal  
16 period as defined in Section 1. The determination will be  
17 effective January 1 the following calendar year.

18           (2) The determination shall include the beginning  
19 and ending dates of the seasonal employer's active seasonal  
20 period. If the beginning or ending date for the active  
21 seasonal period falls within any calendar week, the entire  
22 week is counted as within the active seasonal period.

23           (3) Any seasonal employer determination rendered  
24 with respect to an employer pursuant to this section shall be  
25 final and conclusive upon the employer for all purposes and  
26 proceedings unless the employer has timely filed a written  
27 appeal.

1 (c) The department shall make a determination in 30  
2 days or the appeal shall be granted.

3 (d) The department shall terminate the employer's  
4 seasonal employer status upon receipt of a written request  
5 from the seasonal employer requesting termination of the  
6 seasonal employer status.

7 (e) The employer shall provide written notice to the  
8 seasonal employee of any change in the employee's status as a  
9 seasonal temporary worker.

10 Section 3. (a) A seasonal employer shall display the  
11 department's seasonal determination on the employer's  
12 premises.

13 (b) Each seasonal temporary worker or prospective  
14 seasonal temporary worker shall receive written notice from  
15 the seasonal employer prior to the beginning of each active  
16 seasonal period concerning seasonal wages. The notice shall do  
17 all of the following:

18 (1) Be provided prior to the performance of any  
19 service for the seasonal employer.

20 (2) Advise the seasonal temporary worker of the  
21 beginning and ending dates of the active seasonal period.

22 (3) Provide the department's contact information for  
23 any inquiries by the seasonal temporary workers.

24 Section 4. (a) Wages from seasonal employment shall  
25 not be included in the base period for any week of  
26 unemployment commencing during the inactive seasonal period  
27 between two successive active seasonal periods, if the

1 claimant performs the services in an active seasonal period  
2 and a reasonable assurance is provided that the claimant will  
3 be offered the opportunity to perform the service for the  
4 seasonal employer during the following active seasonal period.

5 (b) Wages from seasonal employment shall not be  
6 included in the base period for any week of unemployment  
7 commencing during the employer's active seasonal period.

8 Section 5. This act shall not be construed to  
9 violate or conflict with Section 25-4-138.

10 Section 6. The department of labor shall adopt rules  
11 as necessary to implement this act.

12 Section 7. This act shall become effective on the  
13 first day of the third month following its passage and  
14 approval by the Governor, or its otherwise becoming law.