



Rules of Department of Labor and Industrial Relations

Division 10—Division of Employment Security Chapter 3—Unemployment Insurance

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**Title 8—DEPARTMENT OF
LABOR AND
INDUSTRIAL RELATIONS**

**Division 10—Division of
Employment Security
Chapter 3—Unemployment Insurance**

**8 CSR 10-3.010 Registration and Claims in
General**

PURPOSE: This rule prescribes registration reporting requirements as conditions precedent to claiming benefits for total unemployment. This rule applies to those claims for unemployment insurance benefits to which 8 CSR 10-3.020, 8 CSR 10-3.040 and the Shared Work provisions of Chapter 288, RSMo, do not apply.

(1) A claimant files an initial claim for determination of status as an insured worker by—

(A) Contacting a claims center of the division by telephone and complying with filing procedures as directed by the deputy; or

(B) Communicating in writing a desire to file an initial claim. The claim will be considered filed on the date the written communication is postmarked, or if not postmarked, the date received, provided that the claimant contacts the claims center and complies with filing procedures as directed by the deputy no later than twenty-eight (28) calendar days following the end of the week in which the division receives that written communication; or

(C) Other means as may be prescribed by the director.

(2) If it is determined that the claimant is an insured worker, the benefit year begins with the first day of the week in which the initial claim was filed. For good cause, however, an earlier date may be assigned as the beginning of the benefit year.

(3) A valid initial, renewed, reopened, or weekly claim for benefits for purposes of section 288.040, RSMo, is one filed with the division in the prescribed manner—

(A) From an originating point within the geographical area of a state; or

(B) By an individual residing with his or her spouse who is a member of the U.S. Armed Forces on active duty, or a member of the National Guard, or other reserve component of the U.S. Armed Forces who is on active National Guard or reserve duty and stationed outside the geographical area of a state of the United States of America, the District of Columbia, Puerto Rico, the Virgin

Islands, or the Dominion of Canada under mandatory and permanent military orders; or

(C) Originating from a contiguous country participating under the Interstate Benefit Payment Plan. The parties to the Interstate Benefit Payment Plan agreement, in addition to the fifty (50) states of the United States of America, are the District of Columbia, Puerto Rico, the Virgin Islands, and the Dominion of Canada.

(4) A valid initial or weekly claim for benefits for purposes of section 288.040, RSMo, may include a claim filed under a Social Security number not assigned by the Social Security Administration to the claimant providing the claimant's failure to file under his/her correct number was not a willful misrepresentation or willful failure to disclose his/her correct number.

(5) If it is determined that a claimant knowingly provided the division with a Social Security number not assigned to that claimant by the Social Security Administration when filing an initial claim for benefits, the claimant shall be held ineligible to receive benefits for any week otherwise payable during that benefit year.

(6) A valid claim for benefits, for purposes of section 288.040, RSMo, may include electronic methods, properly completed, signed by the claimant if necessary, filed within twenty-eight (28) calendar days after the last day of the most recent week claimed or the last day of the week in which an initial, renewed, or reopened claim was filed and for which all reporting requirements have been met.

(7) If, during a benefit year, a claimant does not file a claim for benefits, within twenty-eight (28) calendar days after the end of the last week claimed (or the end of the last week in which an initial, renewed, or reopened claim was filed), the claimant must file a renewed claim if the claimant has had intervening employment or a reopened claim if the claimant has not. The twenty-eight (28) calendar-day period may be extended for good cause. If good cause is not found, the claimant's claims for benefits for the period from the most recent week claimed (prior to the renewing/reopening of the claim) through the week ending just prior to the renewing or reopening of the claim shall not constitute valid claims for benefits under section 288.040, RSMo.

(8) A benefit week under this rule begins on Sunday and ends on Saturday, except that a claimant who has been filing claims under 8 CSR 10-3.040 shall use the same type of weekly period for further claims in the same series.

(9) A week of unemployment beginning in a benefit year shall be treated as having occurred wholly in that benefit year.

(10) A claimant must report to an employment office as defined under section 288.030(16), RSMo, unless the claimant is ill or employed, or for good cause shown.

(11) A claimant shall be held ineligible to receive benefits if the claimant fails to comply with this regulation and will remain ineligible until the noncompliance has ceased.

(12) For the purpose of 8 CSR 10-3, good cause shall be only those circumstances which are beyond the reasonable control of the claimant and then only if the claimant acts as soon as practical.

AUTHORITY: sections 288.040 and 288.070, RSMo Supp. 2011, and section 288.220.5., RSMo 2000. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Emergency amendment filed July 15, 1994, effective July 25, 1994, expired Nov. 21, 1994. Emergency amendment filed Nov. 8, 1994, effective Nov. 22, 1994, expired March 21, 1995. Amended: Filed Oct. 3, 1994, effective Feb. 26, 1995. Amended: Filed Sept. 9, 1998, effective March 30, 1999. Amended: Filed July 16, 2002, effective Jan. 30, 2003. Amended: Filed Feb. 18, 2003, effective Aug. 30, 2003. Amended: Filed April 15, 2004, effective Oct. 30, 2004. Amended: Filed Aug. 15, 2008, effective Feb. 28, 2009. Amended: Filed March 27, 2012, effective Sept. 30, 2012.*

**Original authority: 288.040, RSMo 1951, amended 1957, 1965, 1967, 1969, 1972, 1975, 1977, 1978, 1982, 1984, 1987, 1988, 1991, 1993, 1995, 1997, 1999, 2004, 2006, 2008, 2011; 288.070, RSMo 1951, amended 1957, 1972, 1974, 1979, 1984, 1988, 1993, 1996, 2008; and 288.220.5, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*



8 CSR 10-3.020 Registration and Claims of Certain Workers Who Become Totally Unemployed Because of a Mass Layoff Due to a Temporary Cessation of Work
(Rescinded October 30, 2004)

AUTHORITY: sections 288.030, 288.040, 288.070, 288.130 and 288.220.5, RSMo 1994. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed April 17, 1958, effective April 27, 1958. Amended: Filed Sept. 10, 1959, effective Sept. 20, 1959. Amended: Filed Feb. 20, 1964, effective March 1, 1964. Amended: Filed Nov. 18, 1966, effective Nov. 28, 1966. Amended: Filed Jan. 15, 1971, effective Jan. 25, 1971. Amended: Filed Aug. 30, 1974, effective Sept. 9, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed July 7, 1982, effective Oct. 11, 1982. Amended: Filed July 17, 1985, effective Nov. 11, 1985. Amended: Filed Oct. 23, 1987, effective Jan. 14, 1988. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Rescinded: Filed April 15, 2004, effective Oct. 30, 2004.

8 CSR 10-3.030 Registration and Claims of Certain Unemployed Workers Who Remain Attached to Their Regular Employer
(Rescinded December 31, 1990)

AUTHORITY: section 288.220, RSMo 1986. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed April 17, 1958, effective April 27, 1958. Amended: Filed Sept. 18, 1961, effective Sept. 28, 1961. Amended: Filed Oct. 1, 1956, effective Oct. 11, 1965. Amended: Filed Nov. 18, 1966, effective Nov. 28, 1966. Amended: Filed Jan. 5, 1968, effective Jan. 15, 1968. Amended: Filed Jan. 15, 1971, effective Jan. 15, 1971. Amended: Filed Jan. 16, 1974, effective Jan. 26, 1974. Amended: Filed Aug. 30, 1974, effective Sept. 10, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed June 10, 1977, effective Sept. 15, 1977. Amended: Filed July 7, 1982, effective Oct. 11, 1982. Rescinded: Filed Aug. 31, 1990, effective Dec. 31, 1990.

8 CSR 10-3.040 Interstate Claims

PURPOSE: This rule provides for cooperation with other states in the taking of inter-

state claims under the Interstate Benefit Payment Plan. This rule implements section 288.340, RSMo.

(1) Definitions. As used in this rule, unless the context clearly requires otherwise—

(A) Agent state means any state in which an individual files a claim for benefits against another state;

(B) Benefits means the compensation payable to an individual with respect to his/her unemployment under the unemployment insurance law of any state;

(C) Interstate Benefit Payment Plan means the plan approved by the Interstate Conference of Employment Security Agencies under which benefits shall be payable to unemployed individuals absent from the state(s) in which benefit credits have been accumulated;

(D) Interstate claimant means an individual who files a claim for benefits pursuant to the unemployment insurance law of a liable state through or from an agent state and continues to claim benefits while absent from the liable state. Interstate claimant does not include an individual who maintains a residence in the agent state and who customarily commutes to work in a liable state unless the Division of Employment Security finds that this exclusion would create undue hardships;

(E) Liable state means any state against which an individual files, through or from another state, a claim for benefits; and

(F) Week of unemployment includes any week of unemployment as defined in the law of the liable state from which benefits with respect to that week are claimed.

(2) Registration for Work.

(A) Each interstate claimant shall register for work through any public employment office in the agent state in the same manner as an intrastate claimant in the agent state. This registration shall be accepted as meeting the registration requirements of the liable state, unless the liable state instructs the claimant to do otherwise.

(B) Each agent state shall duly report to the liable state in question whether each interstate claimant has been instructed to register for work with the public employment service.

(3) Benefit Rights of Interstate Claimants.

(A) If a claimant files a claim against any state and it is determined by that state that the claimant has available benefit credits in that state, then claims shall be filed only against that state as long as benefit credits are available in that state. After that, the claimant may file claims against any other state in which there are available benefit credits.

(B) For the purpose of this rule, benefit

credits shall be deemed to be unavailable whenever benefits have been—

1. Exhausted;

2. Terminated;

3. Postponed for an indefinite period and the individual has not subsequently satisfied the qualifying requirements;

4. Postponed for the entire period in which benefits would otherwise be payable; or

5. Affected by the application of a seasonal restriction.

(4) Claim for Benefits. Claims for benefits or waiting period filed by an interstate claimant shall be in accordance with procedures developed pursuant to the Interstate Benefit Payment Plan and to the liable state's rules governing claims for benefits and reporting.

(5) Providing Assistance to Interstate Claimants.

(A) Each agent state, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.

(B) The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

(6) Eligibility Review Program. The liable state shall provide eligibility reviews for claimants pursuant to the Interstate Benefit Payment Plan.

(7) Determination of Claims. The agent state, in connection with each claim filed by an interstate claimant through the agent state, shall ascertain and report to the liable state in question those facts relating to the claimant's availability for work and eligibility for benefits as are readily determinable in and by the agent state.

(8) Extension of Interstate Benefit Payments to Include Claims Taken In and For Canada. This rule shall apply in all its provisions to claims taken in and for Canada.

AUTHORITY: section 288.220, RSMo Supp. 1997.* This rule was previously known as regulation no. 4. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed June 5, 1953, effective July 15, 1953. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed Oct. 1, 1965, effective Oct. 13, 1965. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990. Amended: Filed Sept. 9, 1998, effective March 30, 1999.



**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*

8 CSR 10-3.050 Benefits Reduced by Other Remuneration

PURPOSE: This rule provides for reporting and defines methods of reducing benefits based on claimant's receipt of remuneration other than wages. This rule implements section 288.040, RSMo.

(1) Any remuneration in the form of compensation for temporary partial disability and any pension paid in whole or in part from funds furnished by an employing unit, to the extent that the pension is provided from funds not provided by the claimant, which is claimed, awarded or received, shall be reported by the claimant upon making claim for unemployment benefits.

(2) The weekly equivalent of any monthly payment shall be twenty-three percent (23%) of the amount of the monthly payment or forty-six percent (46%) of the amount of any semimonthly payment.

(3) Whenever the claimant is otherwise eligible, no unemployment benefits shall be denied or reduced for any week of unemployment ending prior to the date of his/her receipt of the final decision allowing any payment which the claimant is required by this rule to report to the division.

AUTHORITY: section 288.220, RSMo 1994. This rule was previously known as regulation no. 5. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Oct. 1, 1965, effective Oct. 13, 1965. Amended: Filed Oct. 17, 1967, effective Oct. 27, 1967. Amended: Filed Sept. 30, 1969, effective Oct. 10, 1969. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Emergency amendment filed July 12, 1984, effective Aug. 13, 1984, expired Dec. 10, 1984. Amended: Filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Aug. 31, 1990, effective Dec. 31, 1990.*

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.*

8 CSR 10-3.060 Benefits Due Deceased Claimants

PURPOSE: This rule identifies the person to receive benefits due a deceased claimant and

sets out the method of payment. This rule implements section 288.060, RSMo.

(1) If benefits are due a deceased person, those benefits shall be paid to the person(s) who has been issued letters testamentary or of administration pursuant to an application filed within thirty (30) days after the claimant's death.

(2) In the event that no application for letters testamentary or of administration has been filed within thirty (30) days after the claimant's death, the benefits which were due the claimant shall be paid to the decedent's surviving spouse, if any; or, if no spouse survives the decedent and s/he is survived by an unmarried minor child(ren), then the benefits, at the discretion of the director, shall be paid to—

(A) The guardian(s) of the unmarried minor child(ren) for the benefit of the child(ren);

(B) Any person or institution who or which the director finds shall have assumed the obligation of the providing support for or maintenance of the minor child(ren);

(C) Any person who the director finds has furnished to the child(ren) necessities of a value equaling or exceeding the amount of benefits; or

(D) Any person who the director finds has paid expenses of the claimant's last illness or his/her burial expenses in an amount equaling or exceeding the amount of benefits.

(3) The treasurer shall cause any unredeemed check(s) payable to a deceased person to be surrendered and voided and, in lieu of the unredeemed check, shall issue a new check(s) bearing the same dates and numbers and made payable to the person(s) entitled under the provisions of this rule. The issuance of the new check(s) shall fully discharge the division of its obligation in respect to the claims covered by the claimant and no other person shall claim or assert any right in respect to the claim.

(4) Any person claiming entitlement to the payment of benefits under this rule shall present the claim in writing within sixty (60) days after the death of the claimant and shall offer proof in a form as the division may require; provided, however, that the director, upon good cause shown, may extend the time for presentation of the claim.

(5) In the event no claim is made for the payment of these benefits within the time limit previously specified or any extension of a time limit, the benefits shall not be paid, but

shall remain in the unemployment compensation fund.

AUTHORITY: section 288.220, RSMo 1994. This rule was previously known as regulation no. 6. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Aug. 1, 1957, effective Aug. 29, 1957. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975.*

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.*

8 CSR 10-3.070 Notices to Workers Concerning Unemployment Benefits

PURPOSE: This rule prescribes the method of notice to workers of coverage under the law. This rule implements section 288.130, RSMo.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material.

(1) Each employer subject to the Missouri Employment Security Law shall post and maintain the division's placard, Notice to Workers Concerning Unemployment Benefits, in a sufficient number of places on his/her premises to assure that this notice will be reasonably visible to all workers.

(2) Each employer shall similarly post any other notices required by the division.

(3) Each employer for whom services are performed by individuals who may not reasonably be expected to see posted notices shall notify each such worker in writing of the substance of the information on any notice.

(4) Each employer shall give to each of his/her workers who is separated from his/her employment a copy of the booklet,



Information for Workers, about employment security in Missouri.

AUTHORITY: section 288.220, RSMo 1994.* This rule was previously known as regulation no. 13. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.

8 CSR 10-3.080 Charging of Benefits Paid to Individuals Employed by Two or More Employers

(Rescinded December 31, 1990)

AUTHORITY: section 288.220, RSMo 1986. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed April 21, 1967, effective May 1, 1967. Amended: Filed Sept. 10, 1968, effective Sept. 20, 1968. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Rescinded: Filed Aug. 31, 1990, effective Dec. 31, 1990.

8 CSR 10-3.085 Charging of Benefits to Reimbursable Employers

PURPOSE: This rule informs reimbursable employers of their responsibility for employment benefits paid to their employees.

(1) Any employer that elects to make payments in lieu of unemployment contributions shall be liable for all unemployment benefits based on wages paid by the employer for services in employment. A reimbursable employer shall not have charges relieved pursuant to section 288.100, RSMo. A reimbursable employer shall, therefore, not be relieved of charges under any of the following circumstances:

(A) The claimant was disqualified pursuant to section 288.050, RSMo;

(B) The claimant continued part-time work with the employer while receiving partial unemployment benefits because of the claimant's separation from another employer;

(C) The claimant quit the employer for a more remunerative job or quit temporary work with the employer to return to the claimant's regular employer;

(D) The claimant worked less than twenty eight (28) days or earned less than four hundred dollars (\$400) gross wages from the employer;

(E) The claimant was discharged by the employer for a reason set forth in subsection 13 of section 660.315, RSMo; or

(F) The claimant was placed on a disqualification registry maintained by the Department of Mental Health.

AUTHORITY: section 288.220, RSMo 2000.* Original rule filed Sept. 2, 2003, effective Feb. 29, 2004. Amended: Filed Oct. 4, 2013, effective April 30, 2014.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.090 Combining Wage Credits of Multistate Claimants

PURPOSE: This rule prescribes the method for handling the combining of claimant's wages earned in more than one state for benefit purposes. This rule implements section 288.340, RSMo. This rule was previously known as regulation no. 21.

Claims for benefits requiring the combining of wage credits in two (2) or more states shall be filed and processed in accordance with procedures and instructions set out in the United States Department of Labor's Employment and Training (ET) Handbook No. 399.

AUTHORITY: section 288.220, RSMo Supp. 1997.* This rule was previously known as regulation no. 21. Original rule filed Sept. 30, 1946, effective Oct. 10, 1946. Amended: Filed June 20, 1951, effective July 1, 1951. Amended: Filed Nov. 9, 1954, effective Nov. 19, 1954. Amended: Filed Jan. 15, 1971, effective Jan. 25, 1971. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Dec. 5, 1978, effective March 11, 1979. Amended: Filed Sept. 9, 1998, effective March 30, 1999.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.100 Predetermination Interview and Initial Determination

PURPOSE: This rule provides for predetermination interview in matters involving new and renewed claims and sets forth conditions and procedure for these interviews. This rule implements section 288.070, RSMo.

(1) The provisions of this rule will apply to any initial or renewed claim.

(2) The deputy shall provide for an interview of each claimant prior to making a determination. If an interested employer or interest-

ed employing unit desires to be present at this interview, the interested employer or employing unit shall request of the division's claims center the date and time of the interview. The employer or employing unit shall provide the division's claims center with a telephone number where the employer may be contacted at the time scheduled for the interview.

(3) The deputy shall give, either orally or in writing, the interested employer or interested employing unit, the date and time of the interview.

(4) Unless the deputy, for good cause, determines otherwise, interviews shall be held by telephone at a claims center of the division. Any interview may be adjourned, postponed or continued from time-to-time or place-to-place at the discretion of the deputy.

(5) In the event an interested employer or employing unit is present at the claimant interview, after the statement of the claimant, the interested employer or employing unit shall give its statement and each party after that shall have an opportunity to make a rebuttal statement of fact. The deputy shall conduct the interview in the manner in which s/he believes will best develop all of the pertinent facts with respect to the issues and the rules of evidence shall not apply.

AUTHORITY: section 288.220, RSMo Supp. 1997.* This rule was previously known as rule no. 24. Original rule filed July 29, 1974, effective Aug. 8, 1974. Amended: Filed Nov. 21, 1975, effective Dec. 1, 1975. Amended: Filed Sept. 9, 1998, effective March 30, 1999.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.110 Filing of Claims Protests by Facsimile Transmission

PURPOSE: This rule establishes the manner in which the division will accept facsimile transmitted claims protests.

Facsimile transmissions (fax) of claims protests as provided for in section 288.070.1, RSMo that are received by an office of the division on a regular workday will be considered as filed on that day. A fax transmission received on a Saturday, Sunday or legal holiday will be considered as filed on the next regular division workday. Date and time of receipt will be determined by the division's receiving office's facsimile machine. Persons making fax transmissions must retain their



receipt with the original copy for reference by the division if so requested.

AUTHORITY: section 288.220.5, RSMo 1994.* This rule was previously filed as 8 CSR 10-2.040(1)(A). Original rule filed Nov. 16, 1992, effective June 7, 1993.

*Original authority: 288.220.5, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971.

8 CSR 10-3.120 Requirement to Report for and Participate in Reemployment Services in Connection with a Worker Profiling System

(Rescinded December 30, 1995)

AUTHORITY: section 288.220.5, RSMo 1994. Emergency rule filed Oct. 19, 1994, effective Nov. 20, 1994, expired March 19, 1995. Original rule filed Oct. 19, 1994, effective March 30, 1995. Rescinded: Filed July 17, 1995, effective Dec. 30, 1995.

8 CSR 10-3.130 Electronic Transfer of Unemployment Benefits

PURPOSE: This rule implements and sets forth the requirements regarding the electronic funds transfer of unemployment benefits payable to claimants pursuant to Chapter 288, RSMo.

(1) The Division of Employment Security has established an electronic funds transfer system to transfer directly to claimant's accounts benefits payable to them pursuant to Chapter 288, RSMo.

(2) For purposes of this rule, the "electronic payment card" shall be an electronic access-type card which shall not have a line of credit. The only funds which may be deposited in an electronic payment card account established under this rule shall be unemployment insurance benefits payable pursuant to Chapter 288, RSMo and related federal benefits.

(3) Unless an individual files a timely direct deposit application with the division, all benefits payable pursuant to Chapter 288, RSMo shall be disbursed by means of an electronic payment card. The division shall not be in any way liable for any transaction or other associated costs that cause a claimant/cardholder to exceed the amount available in his or her electronic payment card account. The division reserves the right to initiate credit entries and debit entries to correct erroneous entries to a claimant/cardholder's electronic payment card account. If a claimant/card-

holder's electronic payment card account is closed prior to the claimant/cardholder drawing down all available funds in the account, the unexpended funds shall be returned to the division and deposited in the unemployment compensation trust fund.

(4) An individual desiring the direct deposit of unemployment benefits into a designated checking or savings account at a financial institution shall complete and file with the division a direct deposit application form. The direct deposit application form shall be filed with the division within seven (7) days after the filing of the initial claim. The direct deposit application form shall authorize the division to initiate credit entries, and debit entries to correct erroneous credit entries, to the claimant's designated checking or savings account. On the direct deposit application form the claimant shall provide the following: claimant's name, claimant's Social Security number, name of the designated financial institution, type of deposit account, signature, and date. The claimant shall file the completed direct deposit application form along with a voided or canceled check or deposit slip for the designated deposit account. At any time during the benefit year, a claimant may change the designated checking or savings account by filing with the division a new direct deposit application form. Unless the claimant changes the designated checking or savings account by filing a new direct deposit application form, the division shall direct all benefits payable to the claimant during his or her benefit year to the checking or savings account designated by the claimant on the direct deposit application form currently on file with the division. Direct deposit application forms may be obtained by contacting one of the division's regional claim centers or by downloading the form through the division's Internet website at <http://dolir.mo.gov/es/>.

(5) The provisions of this rule regarding electronic payment cards will not become effective until the division has entered into a contract with a contractor to issue the electronic payment cards. The division will implement the provisions of this rule regarding electronic payment cards over a period of six (6) months following the execution of such contract.

(6) Notwithstanding the provisions of this rule, the division may continue to pay benefits by warrant when necessary to comply with federal or state law.

AUTHORITY: sections 288.060, RSMo Supp.

2006 and 288.220, RSMo 2000.* Emergency rule filed April 14, 2003, effective May 1, 2003, expired Oct. 27, 2003. Original rule filed April 14, 2003, effective Oct. 30, 2003. Amended: Filed Feb. 14, 2007, effective Aug. 30, 2007.

*Original authority: 288.060, RSMo 1951, amended 1957, 1961, 1965, 1984, 1988, 1992, 1993, 2004, 2006; and 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.140 Reemployment Trade Adjustment Assistance Program

PURPOSE: This rule provides guidance regarding individual eligibility under the federal Reemployment Trade Adjustment Assistance Program, as enacted in the United States Trade and Globalization Adjustment Assistance Act of 2009 (Division B, Title I, Subtitle I of the American Recovery and Reinvestment Act of 2009, Public Law No. III-5) on February 17, 2009. This rule implements 19 United States Code, Section 2318(a)(3)(B)(iii)(I).

(1) For purposes of Reemployment Trade Adjustment Assistance (RTAA), a "full-time employee" is one who has a work week of at least forty (40) hours, or who works the number of hours generally accepted by industry custom or practice as full-time employment, as established by the RTAA applicant by evidence presented to the Division of Employment Security or its designee.

AUTHORITY: section 288.220, RSMo 2000,* United States Department of Labor Training and Employment Guidance Letter No. 22-08, and 19 United States Code, Section 2318(a)(3)(B)(iii)(I). Original rule filed Aug. 27, 2009, effective Feb. 28, 2010.

*Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.

8 CSR 10-3.150 Fraud Penalties on Federal and State Benefits

PURPOSE: This rule implements an amendment to the federal Social Security Act made by Section 251 of the federal Trade Adjustment Assistance Extension Act of 2011, Public Law No. 112-40, mandating that states assess a monetary fraud penalty on both state and federal unemployment benefits in an amount of not less than fifteen (15%) percent of the amount of the fraudulent payments and that the money thereby collected be deposited into the state's unemployment compensation fund.



(1) Any individual who receives state or federal unemployment benefits by intentionally misrepresenting, misstating, or failing to disclose any material fact, or by intentionally offering misleading information, has committed fraud and such individual shall be assessed a penalty as provided in subsection 9 of section 288.380, RSMo.

(2) With regard to payments made toward a penalty amount assessed pursuant to subsection 9 of section 288.380, RSMo, an amount equal to fifteen percent (15%) of the total amount of benefits fraudulently obtained shall be immediately deposited into the state's unemployment compensation fund, and the remaining penalty amount shall be credited to the special employment security fund.

AUTHORITY: sections 288.220 and 288.390, RSMo 2000. Emergency rule filed Aug. 22, 2013, effective Oct. 1, 2013, expired March 29, 2014. Original rule filed Aug. 22, 2013, effective Feb. 28, 2014.*

**Original authority: 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995, and 288.390, RSMo 1961.*

8 CSR 10-3.160 Waiver of Recovery of Overpayments Under the Coronavirus Aid, Relief and Economic Security Act (CARES), as Amended

PURPOSE: This rule prescribes criteria for waiver of recovery of overpaid unemployment benefits under the CARES Act, as amended, that were not obtained through fraud. The intent of this rule is to allow those individuals with non-fraud overpayments under the federal coronavirus relief programs to request a waiver of recovery of overpayments and to set forth the criteria under which those requests will be evaluated. Such waivers are authorized by the federal coronavirus relief programs. See, e.g., CARES Act, Sections 2104(f), 2107(e); Continued Assistance for Unemployed Workers Act, Section 201.

(1) Any person who is overpaid unemployment benefits under the CARES Act, as amended, is liable for the amount overpaid unless, based upon an application to the division in a format prescribed by the division, the division determines that the claimant is entitled to a waiver of recovery of the overpayment, based on the following criteria:

(A) The overpayment was received without fault of the claimant; and

(B) The recovery of the overpayment would be against equity and good conscience.

(2) The application for waiver must be

received by the division within thirty (30) calendar days after the mailing or other transmission to the individual of the notice of the overpayment, or of the notice of opportunity to apply for a waiver.

(3) Fault of the Claimant.

(A) In determining fault, the division shall consider the nature and cause of the overpayment.

(B) A claimant who receives or retains benefits which he or she knew or reasonably should have known he or she was not lawfully entitled to receive is at fault.

(C) Fault shall include, but not be limited to, the following:

1. Fraud or misrepresentation regarding the claim (a representation of fact, in relation to the claim, that the claimant knew or should have known was false);

2. Failure to disclose (failing to disclose a fact, in connection with the claim, that the claimant knew or should have known was significant to the claim); and

3. Negligence (failing to exercise the care that a reasonable person of ordinary prudence would exercise in submitting the claim).

(D) What an individual should have known is determined from the perspective of a reasonable person of ordinary prudence in the same or similar circumstances. However, the division may consider an individual's age and physical or mental condition as mitigating factors against finding fault.

(4) Equity and Good Conscience.

(A) In determining whether repayment would be against equity and good conscience, the division will consider the totality of the circumstances to include, but not limited to:

1. Detrimental Reliance. Whether the individual acted in reliance on the overpayment and gave up a valuable right because of the overpayment or changed his or her position for the worse because of the overpayment.

A. An individual gives up a valuable right when he or she gives up a valuable privilege, claim, entitlement, or benefit having monetary worth because of the overpayment; or

B. An individual has changed his or her position for the worse when he or she, in reasonable reliance on the overpayment, decides to do something that he or she otherwise would not have done. To establish a change in position for the worse, the individual must demonstrate a change in actions or behavior, not simply that the overpayment had been spent;

2. Undue Hardship. Whether circumstances exist, including health problems or disability of the claimant or a family member,

in which collection would deprive the individual or household of basic necessities.

(5) Waiver of recovery of indebtedness is an equitable remedy and, as such, must be based on an assessment of the facts involved in the individual case under consideration.

(6) The burden is on the individual to demonstrate that waiver of recovery is appropriate.

(7) The division shall notify the claimant of its decision on the waiver request in writing by mail or other transmission.

(8) The claimant may appeal the division's decision on the waiver request by filing an appeal with the Appeals Tribunal within thirty (30) calendar days after mailing or other transmission of the division's decision to the individual. The provisions of sections 288.200 and 288.210, RSMo, apply to further appeals.

AUTHORITY: sections 288.070 and 288.220.5, RSMo 2016, and section 288.040, RSMo Supp. 2021. Emergency rule filed July 2, 2021, effective July 19, 2021, expired Feb. 24, 2022. Original rule filed July 2, 2021, effective Jan. 30, 2022.*

**Original authority: 288.040, RSMo 2019; 288.070, RSMo 2008; and 288.220, RSMo 1951, amended 1955, 1961, 1963, 1967, 1971, 1995.*