

Pre-CR 102 Rules Draft

Electrical Apprentice Unemployment Benefit Eligibility

Implementing SB 5398 (Laws of 2019, c. 50)

WSR 19-14-016



**Employment
Security
Department**
WASHINGTON STATE

1 **WAC 192-140-090 What happens if I do not schedule or**
2 **report for reemployment services as provided in RCW 50.20.010**

3 **(1) (e)? (1) Written directives.**

4 (a) The commissioner may direct you in writing to schedule
5 a time to report in person for reemployment services. The
6 written directive will contain a deadline by which you must
7 schedule and participate in reemployment services.

8 (b) If you fail to schedule a time to participate in
9 reemployment services by the deadline, you will be ineligible to
10 receive benefits for the week containing the date of the
11 deadline, unless you show justifiable cause.

12 (c) If you fail to participate in reemployment services at
13 the time you scheduled, you will be ineligible to receive
14 benefits for the week containing the time you scheduled, unless
15 you show justifiable cause.

16 (d) The department may verify the reasons you failed to
17 schedule or participate in reemployment services. In all such
18 cases, your ability to work or availability for work may be
19 questioned.

1 (2) **Exceptions.** You will not be required to participate in
2 reemployment services if you:

3 (a) Are a member of a full referral union and are eligible
4 for dispatch and referral according to union rules;

5 (b) Are attached to an employer as provided in WAC 192-180-
6 005;

7 (c) Are participating in a training program approved by the
8 commissioner; (~~or~~)

9 (d) Within the previous year have completed, or are
10 currently scheduled for or participating in, similar services;
11 or

12 (e) Are an active registered electrical apprentice in an
13 approved electrical apprenticeship program under chapter 49.04
14 RCW and chapter 296-05 WAC.

15 (3) **Minimum services.** The services will consist of one or
16 more sessions which include, but are not limited to:

17 (a) Local labor market information;

18 (b) Available reemployment and training services;

19 (c) Successful job search attitudes;

20 (d) Self-assessment of job skills and interests;

1 (e) Job interview techniques;

2 (f) The development of a resume or fact sheet; and

3 (g) The development of a plan for reemployment.

4 (4) **Justifiable cause.** Justifiable cause for failure to

5 schedule or participate in reemployment services as directed

6 will include factors specific to you which would cause a

7 reasonably prudent person in similar circumstances to fail to

8 schedule or participate in reemployment services. Justifiable

9 cause includes, but is not limited to:

10 (a) Your illness or disability or that of a member of your

11 immediate family;

12 (b) Conflicting employment or your presence at a job

13 interview scheduled with an employer; or

14 (c) Severe weather conditions.

1 **WAC 192-170-010 Availability for work—RCW 50.20.010.** (1)

2 In general, the department will consider you available for work
3 if you:

4 (a) Are willing to work full-time, part-time, and accept
5 temporary work during all of the usual hours and days of the
6 week customary for your occupation.

7 (i) You are not required to be available for part-time or
8 temporary work if it would substantially interfere with your
9 return to your regular occupation.

10 (ii) The requirement to be available for full-time work
11 does not apply under the circumstances described in WAC 192-170-
12 050 (1) (b) or 192-170-070;

13 (b) Are capable of accepting and reporting for any suitable
14 work within the labor market in which you are seeking work;

15 (c) Do not impose conditions that substantially reduce or
16 limit your opportunity to return to work at the earliest
17 possible time;

18 (d) Are available for work during the hours customary for
19 your trade or occupation; and

1 (e) Are physically present in your normal labor market
2 area, unless you are actively seeking and willing to accept work
3 outside your normal labor market.

4 (2) You are considered available for work if you are an
5 active registered electrical apprentice in an approved
6 electrical apprenticeship program under chapter 49.04 RCW and
7 chapter 296-05 WAC

8 ~~((2))~~ (3) You are not considered available for work if you
9 fail or refuse to seek work as required in a directive issued by
10 the department under WAC 192-180-010.

1 **WAC 192-180-005 Registration for work—RCW 50.20.010(1) and**

2 **50.20.230. (1) Am I required to register for work?** You must
3 register for work unless you are:

4 (a) Attached to an employer, meaning you are:

5 (i) Partially unemployed as defined in WAC 192-180-013(1);

6 (ii) On standby as defined by WAC 192-110-015;

7 (iii) Unemployed because you are on strike or locked out
8 from the worksite as provided in RCW 50.20.090; or

9 (iv) Participating in the shared work program under chapter
10 50.60 RCW;

11 (b) A member of a union that participates in the referral
12 union program (see WAC 192-210-110);

13 (c) Participating in a training program approved by the
14 commissioner; ~~((~~or~~))~~

15 (d) The subject of an antiharassment order. This includes
16 any court-issued order providing for your protection, such as
17 restraining orders, no contact orders, domestic violence
18 protective orders, and similar documents; or

1 (e) An active registered electrical apprentice in an
2 approved electrical apprenticeship program under chapter 49.04
3 RCW and chapter 296-05 WAC.

4 (2) **How soon do I have to register?**

5 (a) If you live within the state of Washington, the
6 department will register you automatically based on information
7 contained in your application for benefits. In unusual
8 circumstances where you are not automatically registered, you
9 must register within one week of the date on which you are
10 notified by the department of the requirement to register for
11 work.

12 (b) If you live in another state, you must register for
13 work within one week of the date your first payment is issued on
14 your new or reopened claim.

15 (3) **Where do I register for work?** You will be registered
16 for work with the department. However, if you live in another
17 state, you must register for work with the equivalent public
18 employment agency in that state.

1 (4) **What is the penalty if I do not register for work?** You
2 will not be eligible for benefits for any week in which you are
3 not registered for work as required by this section.

1 **WAC 192-180-010 Job search requirements—Directives—RCW**

2 **50.20.010 (1) (c) and 50.20.240. (1) Do I have to look for work?**

3 You must be actively seeking work unless you are:

4 (a) Attached to an employer as defined in WAC 192-180-
5 005(1); (~~or~~)

6 (b) Participating in a training program approved by the
7 commissioner; or

8 (c) An active registered electrical apprentice in an
9 approved electrical apprenticeship program under chapter 49.04
10 RCW and chapter 296-05 WAC.

11 (2) **When should I start my job search?** You must look for
12 work every week that you file a claim for benefits, unless you
13 are exempt under subsection (1) of this section.

14 (3) **What are my weekly job search requirements?**

15 (a) At a minimum, you must:

16 (i) Make job search contacts with at least three employers
17 each week; or

18 (ii) Participate in three approved in-person job search
19 activities through the WorkSource office or the equivalent
20 public employment agency in the state in which you reside, or

1 any combination of employer contacts or in-person job search
2 activities for a total of three.

3 (b) Based on your individual circumstances, such as your
4 occupation, experience, or labor market area, the department may
5 issue you a directive requiring more than three employer
6 contacts or job search activities each week.

7 (c) If you are a member of a referral union you must be
8 registered with your union, eligible for and actively seeking
9 dispatch, and comply with your union's dispatch or referral
10 requirements (see WAC 192-210-120). Your benefits may be denied
11 for any weeks in which you fail to meet these requirements and
12 you may be directed to seek work outside of your union.

13 (4) **What is a "job search contact"?** A job search contact is
14 a contact with an employer to inquire about or apply for a job.
15 You must use job search methods that are customary for your
16 occupation and labor market area including, but not limited to,
17 in-person, telephone, internet, or telefax contacts. The work
18 applied for must be suitable (see RCW 50.20.100 and 50.20.110)
19 unless you choose to look for work in a lower skill area. A
20 contact does not count if it is made with an employer whom you

1 know is not hiring, or if the department decides the contact is
2 designed in whole or in part to avoid meeting the job search
3 requirements. Simply posting your resume online (for example,
4 Simplyhired.com or Craigslist) does not constitute a job search
5 contact for purposes of this section; in addition to posting
6 your resume, an application or contact with an employer for a
7 job must be submitted to count as one of the required weekly job
8 search contacts.

9 (5) **What is an "in-person job search activity"?** This is an
10 activity provided or monitored through the WorkSource office or
11 the equivalent public employment agency in the state in which
12 you reside that will assist you in your reemployment efforts. It
13 includes, but is not limited to, job search workshops, training
14 classes, or other facilitated services provided or monitored by
15 WorkSource staff or other affiliated agencies and approved by
16 the local WorkSource office. For claimants residing in
17 Washington state, an in-person job search activity must be
18 documented in the department's computer system to qualify. For
19 interstate claimants, the activity must be documented by the

1 equivalent public employment agency in the state in which you
2 reside.

3 (6) **What is a directive?** A directive is a written notice
4 from the department telling you that specific methods of job
5 search are required in order to meet the job search
6 requirements. A written directive need not have been issued to
7 deny benefits for failure to meet the job search requirements in
8 subsection (3) of this section, unless the directive is required
9 under WAC 192-180-012.

10 (7) **When is a directive issued?** The department can issue a
11 directive to clarify or to increase the job search requirements
12 you must meet. Examples include, but are not limited to, cases
13 in which you need to:

- 14 (a) Increase the number of employer contacts each week;
- 15 (b) Change your method of looking for work;
- 16 (c) Expand the geographic area in which you look for work;
- 17 (d) Look for work in a secondary occupation; or
- 18 (e) Accurately record your job search activities as
19 required by WAC 192-180-015.

1 (8) **When is the directive effective?** The directive is
2 effective when it is given in writing by the department. It
3 stays in effect until a new written directive is given; the
4 directive is rescinded in writing; your benefit year ends; or
5 you receive final payment on any extension of benefits related
6 to that benefit year, whichever is later.

7
8 **WAC 192-180-040 Directive to attend job search workshop or**

9 **training course—RCW 50.20.044.** (1) The department may direct
10 you, in writing, to attend a job search workshop or training
11 course when it finds that your chances of finding employment
12 will be improved by enrollment in such activity.

13 (2) You will not be directed to attend a job search
14 workshop or training course if:

15 (a) You have an offer of bona fide work that begins within
16 two weeks; or

17 (b) The workshop or training location is outside your labor
18 market or would require you to travel further than the nearest
19 WorkSource office or local employment center; (~~(e)~~)

1 (c) You are a member in good standing of a full referral
2 union, unless you are also being required to begin an
3 independent search for work or have been identified as a
4 dislocated worker as defined in RCW 50.04.075; or

5 (d) You are an active registered electrical apprentice in
6 an approved electrical apprenticeship program under chapter
7 49.04 RCW and chapter 296-05 WAC.

8 (3) If you receive a directive and fail without good cause
9 to attend a substantial portion of the workshop or training
10 course during a week, you will be ineligible for benefits for
11 the entire week. Good cause includes your illness or disability
12 or that of a member of your immediate family, or your presence
13 at a job interview scheduled with an employer. Reasons for
14 absence may be verified and may result in a denial of benefits
15 under RCW 50.20.010.

16 (4) Participation in a job search workshop when directed
17 meets the definition of an "in-person job search activity" as
18 defined in WAC 192-180-010.

19 (5) When attending a job search workshop or training course
20 as directed, you will not be ineligible for benefits for failure

1 to be available for work or to actively seek work under the
2 provisions of:

3 (a) RCW 50.20.010 (1)(c);

4 (b) RCW 50.20.240; or

5 (c) RCW 50.22.020(1).

6 [Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR
7 05-01-076, § 192-180-040, filed 12/9/04, effective 1/9/05.]

8 **WAC 192-180-060 How will the department identify**
9 **individuals who are likely to exhaust benefits?—RCW 50.20.011.**

10 (1) The department will use the profiling model described in
11 this section to identify claimants who are likely to exhaust
12 benefits and in need of job search assistance to obtain new
13 employment.

14 (2) **Model.** Take all valid claims with a benefit year ending
15 date that falls within a specified two-year time period. Screen
16 out (a) members of unions participating in the referral union
17 program (see WAC 192-210-100) and (b) claimants who do not have
18 a job search requirement (employer attached, in approved
19 training, are an active registered electrical apprentice in an
20 approved electrical apprenticeship program under chapter 49.04

1 RCW and chapter 296-05 WAC, or unemployed due to strike or
2 lockout) after all wages for the claimant on the current claim
3 have been received. For the remaining claimants with a job
4 search requirement, statistically combine information on
5 industry, occupation and other personal characteristics, and
6 labor market characteristics to generate a numerical score
7 indicating the likelihood of exhausting benefits before finding
8 work. The scores may range from 0% (no likelihood of exhaustion)
9 to 100% (certainty of exhaustion). Rank claimants based on their
10 individual score from least likely to most likely to exhaust.

1 New Section. **WAC 192-100-080 Active registered electrical**
2 **apprentice defined.**

3 An "active registered electrical apprentice" is an
4 electrical apprentice in an apprenticeship agreement that is not
5 completed, suspended, cancelled, or terminated.