



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Employment Security Department

**Title of rule and other identifying information:** (Describe Subject) WAC 192-250-035, Information for employees participating in an approved shared work plan.

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Juanita Myers  
Agency: Employment Security Department  
Address: PO Box 9046, Olympia, WA 98507-9046

**AND RECEIVED BY** (Date) March 4, 2014

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Changes to Chapter 192-250 WAC were recently adopted in order to implement Chapter 79, Laws of 2013, Unemployment Benefits – Shared Work Program. This legislation was adopted in order to conform to changes in federal law. The department has determined that recently adopted language in WAC 192-250-035 is inconsistent with state law as amended. The proposal will correct the number of hours an individual must work in order to participate in an approved Shared Work plan from ten and fifty percent to fifty and ninety percent of their usual weekly hours of work.

**Reasons supporting proposal:** The rule adopts without material change a requirement of federal and state law governing the Shared Work program. Washington is submitting a grant application to the United States Department of Labor requesting funding for the state's Shared Work Program. Approval maybe denied or delayed if the rule is inconstant with federal requirements.

**Statutory authority for adoption:** RCW 50-.12.010 and RCW

**Statute being implemented:** RCW 50.60.030

**Is rule necessary because of a:**

Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

Middle Class Tax Relief and Job Creation Act of 2012, Title II, Subtitle D

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: December 31, 2013**

**TIME: 3:56 PM**

**WSR 14-02-111**

**DATE**

December 31, 2013

**NAME (TYPE OR PRINT)**

Nan Thomas

**SIGNATURE**

**TITLE**

Deputy Commissioner

Name of proponent: (person or organization)

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Juanita Myers	212 Maple Park, Olympia, WA	(360) 902-9665
Implementation..... Juanita Myers	212 Maple Park, Olympia, WA	(360) 902-9665
Enforcement..... Neil Gorrell	212 Maple Park, Olympia, WA	(360) 902-9303

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

AMENDATORY SECTION (Amending WSR 13-24-016, filed 11/21/13, effective 12/22/13)

**WAC 192-250-035 Information for employees participating in an approved shared work plan.** (1) **When do I apply for benefits?** Your employer representative will tell you if you need to apply for benefits and how to do so. If you have a current valid claim, you do not need to apply again.

(2) **How do I file my weekly claim for benefits?** See WAC 192-140-005 for instructions on filing weekly claims. You must also report the number of hours you were paid for holidays, vacations, or sick leave. You must report hours and gross earnings for part-time and second jobs, plus your hours and net earnings from any self-employment. You can file weekly claims by telephone or over the internet.

(3) **What happens if the total number of hours worked is not a whole number?** If the total number of hours you worked in a week includes a fraction of an hour, the department will round the total down to the next whole number. This rounded number will be compared to your usual hours of work to calculate your shared work benefit payment for the week. For example: You work 28.5 hours of a usual 40-hour work

week. The 28.5 hours is rounded down to 28 hours and then divided by 40, meaning you worked 70 percent of the available hours. Your shared work payment would be 30 percent of your regular weekly benefit amount.

**(4) What happens if I don't work all scheduled hours for my shared work employer?**

(a) You are not eligible for shared work benefits for any week that you do not work all hours you have been scheduled by your shared work employer.

(b) You must be available for additional hours of work, up to your usual weekly hours of work, with the shared work employer. If your employer gives you at least twenty-four hours' notice that additional work is available and you do not work those additional hours, you are not eligible for shared work benefits for that week.

(c) When you are not eligible for shared work benefits in any week claimed, your claim will be processed as a regular unemployment claim.

**(5) Do I have to look for work while participating in the shared work program?** No. You are not required to look for work while participating in the shared work program.

(6) **Is there a minimum or maximum number of hours I can work in a week and still receive shared work benefits?** You must work between ~~((ten))~~ fifty percent and ~~((fifty))~~ ninety percent of your usual weekly hours to receive shared work benefits. In any week you work less than or more than that amount, your claim will be processed as a regular unemployment claim.

(7) **How long can I receive shared work benefits?** You can receive shared work payments up to the maximum benefit entitlement established under Title 50 RCW, plus state or federal benefit extensions under chapter 50.22 RCW.