

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-150-115 Reduction in compensation of ((twenty-five)) 25 percent or more—RCW 50.20.050 (2)(b)(v). (1) "Compensation" means remuneration as defined in RCW 50.04.320.

(2) "Usual" includes amounts actually paid to you by your employer or, if payment has not yet been made, the compensation agreed upon by you and your employer as part of your hiring agreement. For a driver of a transportation network company as defined in RCW 50.04.370, your "usual compensation" will be determined based on the average compensation per active driver in the region in the same quarter of the previous year.

(3) To constitute good cause for quitting work under this section, employer action must have caused the reduction in your usual compensation. For a driver of a transportation network company as defined in RCW 50.04.370, the transportation network company will be deemed to have caused the reduction if the aggregate compensation of drivers divided by the number of active drivers in the region is reduced by 25 percent or more in the most recent calendar quarter for which reporting has been completed compared to the same quarter of the previous year.

(4) All reductions in compensation occurring since the beginning of your base period to the date of separation will be included in the determination as to whether your compensation was reduced by ((twenty-five)) 25 percent or more.

(5) The percentage of reduction will be based on your most recent pay grade, salary, or other benefits you received or have accepted on a permanent basis. It does not include any temporary raises or other compensation for performing temporary duties.

(6) For purposes of this rule as it applies to transportation network company drivers, the state is divided into regions as follows:

(a) Each municipality with a population of more than 600,000 shall be a distinct region; and

(b) The remainder of the state shall constitute a single region.

(7) If a transportation network company's driver has at least 33 percent of their completed trips originate in a region in a quarter, the driver will be deemed to have the usual compensation in that region for that quarter.

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-150-120 Reduction in hours of ((twenty-five)) 25 percent or more—RCW 50.20.050 (2)(b)(vi). (1) Your "usual hours" will be determined based on:

(a) The hours of work agreed on by you and your employer as part of your individual hiring agreement;

(b) For seasonal jobs, the number of hours you customarily work during the season; ((or))

(c) For piecework, the number of hours you customarily work to complete a fixed volume of work; or

(d) For a driver of a transportation network company as defined in RCW 50.04.370, the average number of hours per active driver in the region in the same quarter of the previous year.

(2) To constitute good cause for quitting under this section, employer action must have caused the reduction in your usual hours. For a driver of a transportation network company as defined in RCW 50.04.370, the transportation network company will be deemed to have caused the reduction if the aggregate hours of drivers, calculated pursuant to WAC 192-310-040(8), divided by the number of active drivers in the region is reduced by 25 percent or more in the most recent calendar quarter for which reporting has been completed compared to the same quarter of the previous year.

(3) All reductions in hours occurring since the beginning of your base period through the date of separation will be included in the determination as to whether your hours were reduced by ((twenty-five)) 25 percent or more.

(4) In determining the percentage of reduction, the department will not consider any temporary overtime or additional hours performed on a temporary basis.

(5) For purposes of this rule as it applies to transportation network company drivers, the state is divided into regions as follows:

(a) Each municipality with a population of more than 600,000 shall be a distinct region; and

(b) The remainder of the state shall constitute a single region.

(6) If a transportation network company's driver has at least 33 percent of their completed trips originate in a region in a quarter, the driver will be deemed to have the usual hours in that region for that quarter.

NEW SECTION

WAC 192-320-071 Relief of charges to employers furnishing part-time work. (1) (a) An employer will be deemed to be continuing to furnish or make available part-time work to the individual in substantially the same amount as during the individual's base year if the employer is continuing to furnish or make available hours, with respect to a week in the benefit year, in an amount equal to 90 percent or more of the individual's average part-time weekly base year hours.

(b) An individual need not actually work substantially the same amount of hours as during the individual's base year in order for the employer to be eligible for relief of benefit charges, so long as the employer is continuing to furnish or make available substantially the same amount of hours as during the individual's base year.

(2) For purposes of this section:

(a) Base year means either the individual's regular base year or alternate base year, depending on whichever is used as the basis for the individual's claim.

(b) An individual's average part-time weekly base year hours shall be calculated by dividing the individual's total base year part-time hours worked for the employer requesting relief of charges by the total weeks of part-time work associated with such hours.

(3) Benefit charge relief will cease when, with respect to a week in the benefit year, the employer stops furnishing or making available hours to the individual in substantially the same amount as during the individual's base year.