

(5) When the HCA receives the request for informal dispute resolution, the HCA will notify the MHCS and will attempt to resolve the dispute. The HCA will notify the enrollee of the outcome of the informal dispute resolution or of the reason for a delay, within thirty days of receiving the request. If the issue has not been resolved to the satisfaction of the enrollee, the appealing party may ask the HCA appeals committee to review the MHCS decision. The request may be written or oral and must be received within thirty days of the date the HCA notifies the appealing party of the outcome of the informal dispute resolution. The appealing party may submit additional documentation with the request.

(6) Enrollees may appeal a final MHCS decision by sending a letter of appeal to the HCA appeals committee, asking for review of the final MHCS decision. The letter of appeal must be signed by the appealing party and received by the HCA within thirty days of the date of the final MHCS decision, and must include the information listed in subsection (4) of this section.

(7) The HCA will follow the procedures in WAC 182-25-105 (3) through (7) when conducting reviews of MHCS decisions. The MHCS must be given the opportunity to submit written comments or participate in any proceeding before the appeals committee or in any subsequent administrative review.

[Statutory Authority: RCW 70.47.050, 99-07-078, § 182-25-110, filed 3/18/99, effective 4/18/99; 96-15-024, § 182-25-110, filed 7/9/96, effective 8/9/96.]

Title 192 WAC EMPLOYMENT SECURITY DEPARTMENT

Chapters

192-04	Practice and procedure.
192-12	Substantive rules.
192-15	Public disclosure and privacy of information.
192-16	Interpretative regulations of the commissioner of the employment security department.
192-23	Benefit payment regulations.
192-24	Claimant information.
192-32	Timber retraining benefits.
192-100	General terms defined.
192-110	Applying for unemployment benefits.
192-120	Claimant notices.
192-140	Reporting requirements to receive benefits.
192-150	Job separations.
192-180	Job search requirements.
192-200	School or training.
192-210	Special category occupations.
192-300	Registering for unemployment insurance taxes.
192-310	Reporting of wages and taxes due.
192-320	Experience rating and benefit charging.

Chapter 192-04 WAC PRACTICE AND PROCEDURE

WAC

192-04-060	Appeals—Petitions for hearing—Petitions for review—Time limitation—Forms.
192-04-170	Decision of commissioner—Petition for review—Filing—Reply.
192-04-190	Petition for reconsideration—Filing—Consideration—Disposition—Judicial review.

WAC 192-04-060 Appeals—Petitions for hearing—Petitions for review—Time limitation—Forms. (1) **Appeals and petitions for hearing.** Any interested party who is aggrieved by any decision of the department set forth in WAC 192-04-050 may file a written appeal or petition for hearing by mailing it or sending it via electronic telefacsimile to the unemployment claims telecenter indicated on the determination notice or order and notice of assessment.

The appeal or petition for hearing shall be filed within thirty days of the date the decision is delivered or mailed, whichever is the earlier. The appeal and/or petition for hearing shall be filed in accordance with the provisions of RCW 50.32.025.

(2) **Petitions for review.** Any interested party who is aggrieved by a decision of the office of administrative hearings, other than an order approving a withdrawal of appeal, an order approving a withdrawal of a petition for hearing, a consent order, or an interim order, may file a written petition for review in accordance with the provisions of WAC 192-04-170. The petition for review shall be filed within thirty days of the date of delivery or mailing of the decision of the office of administrative hearings, whichever is the earlier. The petition for review shall be filed in accordance with the provisions of RCW 50.32.025.

(3) **Forms.** At the request of an interested, aggrieved party, the employment security department shall furnish forms for the filing of a notice of appeal, petition for hearing, or petition for review, but the use of such forms is not a jurisdictional requirement.

[Statutory Authority: RCW 50.20.010 and 50.12.040, 99-15-069, § 192-04-060, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 50.12.010, [50.12.]040 and RCW 34.05.310 et seq. 95-18-055, § 192-04-060, filed 8/31/95, effective 10/1/95. Statutory Authority: RCW 50.12.010 and 50.12.040, 89-24-030, § 192-04-060, filed 11/30/89, effective 1/1/90.]

WAC 192-04-170 Decision of commissioner—Petition for review—Filing—Reply. (1) The written petition for review shall be filed by mailing it to the Agency Records Center, Employment Security Department, Post Office Box 9046, Olympia, WA 98507-9046, within thirty days of the date of mailing or delivery of the decision of the office of administrative hearings, whichever is the earlier.

(2) Any written argument in support of the petition for review must be attached to the petition for review and be filed contemporaneously therewith. The commissioner's review office will acknowledge receipt of the petition for review by assigning a review number to the case, entering the review number on the face of the petition for review, and setting forth the acknowledgement date on the petition for review. The commissioner's review office will also mail copies of the acknowledged petition for review and attached

argument in support thereof to the petitioning party, nonpetitioning party and their representatives of record, if any.

(3) Any reply to the petition for review and any argument in support thereof by the nonpetitioning party shall be mailed to the Commissioner's Review Office, Employment Security Department, Post Office Box 9046, Olympia, WA 98504-9046. The reply must be received by the commissioner's review office within fifteen days of the date of mailing of the acknowledged petition for review. An informational copy shall be mailed by the nonpetitioning party to all other parties of record and their representatives, if any.

(4) The petition for review and argument in support thereof and the reply to the petition for review and argument in support thereof shall:

(a) Be captioned as such, set forth the docket number of the decision of the office of administrative hearings, and be signed by the party submitting it or by his or her representative.

(b) Be legible, reproducible and five pages or less.

(5) Arrangements for representation and requests for copies of the hearing record and exhibits will not extend the period for the filing of a petition for review, argument in support thereof, or a reply to the petition for review.

(6) Any argument in support of the petition for review or in reply thereto not submitted in accordance with the provisions of this regulation shall not be considered in the disposition of the case absent a showing that failure to comply with these provisions was beyond the reasonable control of the individual seeking relief.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-04-170, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.12.010, [50.12.]040 and 34.05.310 et seq. 95-18-055, § 192-04-170, filed 8/31/95, effective 10/1/95. Statutory Authority: RCW 50.12.010 and 50.12.040. 89-24-030, § 192-04-170, filed 11/30/89, effective 1/1/90.]

WAC 192-04-190 Petition for reconsideration—Filing—Consideration—Disposition—Judicial review. (1) A written petition for reconsideration and argument in support thereof may be filed within ten days of the date of mailing or delivery of the decision of the commissioner, whichever is the earlier. It shall be mailed to the Commissioner's Review Office, Employment Security Department, Post Office Box 9046, Olympia, WA 98507-9046, and to all other parties of record and their representatives.

(2) No matter will be reconsidered by the commissioner unless it clearly appears from the face of the petition for reconsideration and the argument submitted in support thereof that (a) there is obvious material, clerical error in the decision or (b) the petitioner, through no fault of his or her own, has been denied a reasonable opportunity to present argument or respond to argument pursuant to WAC 192-04-170.

(3) A petition for reconsideration shall be deemed to have been denied if, within twenty days from the date the petition for reconsideration is filed, the commissioner does not either (a) dispose of the petition for reconsideration or (b) mail or deliver to the parties a written notice specifying the date by which he or she will act on the petition for reconsideration. If no action is taken by the date specified in such

written notice, the petition will be deemed to have been denied.

(4) A petition for reconsideration does not stay the effectiveness of the decision of the commissioner. The filing of a petition for reconsideration is not a prerequisite for filing a petition for judicial review. An order denying reconsideration or a written notice specifying the date upon which action will be taken on the petition for reconsideration is not subject to judicial review.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-04-190, filed 4/5/99, effective 5/6/99; 89-24-030, § 192-04-190, filed 11/30/89, effective 1/1/90.]

**Chapter 192-12 WAC
SUBSTANTIVE RULES**

WAC

192-12-005	Repealed.
192-12-010	Repealed.
192-12-015	Repealed.
192-12-018	Repealed.
192-12-035	Repealed.
192-12-043	Repealed.
192-12-050	Repealed.
192-12-060	Repealed.
192-12-066	Repealed.
192-12-070	Repealed.
192-12-074	Repealed.
192-12-076	Repealed.
192-12-080	Repealed.
192-12-090	Repealed.
192-12-100	Repealed.
192-12-110	Repealed.
192-12-115	Repealed.
192-12-130	Repealed.
192-12-141	Repealed.
192-12-150	Repealed.
192-12-182	Repealed.
192-12-330	Predetermination procedure—Separation issue.
192-12-350	Repealed.
192-12-355	Repealed.
192-12-360	Repealed.
192-12-380	Repealed.
192-12-400	Repealed.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

192-12-005	Adequate notice and opportunity to be heard defined. [Statutory Authority: RCW 50.12.010 and 50.12.040. 87-12-021 (Order 2-87), § 192-12-005, filed 5/28/87, effective 8/30/87.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
192-12-010	General definitions and use of terms. [Regulation 1, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-125, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.12.010.
192-12-015	Definitions relating to RCW 50.04.145 and 50.24.130. [Statutory Authority: RCW 50.12.010 and 50.12.040. 82-17-052 (Order 6-82), § 192-12-015, filed 8/17/82.] Repealed by 99-20-126, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW, RCW 50.04.145 and 50.24.130.
192-12-018	Definitions relating to musicians—Conditions for exemption of musicians and entertainers under chapter 50.04 RCW (section 1, chapter 47, Laws of 1985). [Statutory Authority: RCW 50.12.010, 50.12.040, chapter 50.04 RCW and 1985 c 47 § 1. 85-22-045 (Order 7-85), § 192-12-018, filed 11/1/85.] Repealed by 99-23-100, filed 11/17/99, effective 12/18/99. Statutory Authority: Chapters 34.05 and 50.12 RCW.
192-12-035	Registration of political subdivisions and instrumentalities thereof. [Statutory Authority: RCW 50.12.010, 78-09-027 (Order 1-78), § 192-12-035, filed 8/14/78.] Repealed by 99-20-118, filed 10/6/99, effective 11/6/99.

- 192-12-043 Definition of student for purpose of RCW 50.44.040(8). [Order 2-72, § 192-12-043, filed 7/6/72.] Repealed by 99-23-099, filed 11/17/99, effective 12/18/99. Statutory Authority: Chapters 34.05 and 50.04 RCW.
- 192-12-050 Records. [Statutory Authority: RCW 50.12.010 and 50.12.040. 90-08-028, § 192-12-050, filed 3/29/90, effective 4/29/90. Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-12-050, filed 8/14/78; Regulation 5, adopted 6/10/53, effective 6/20/53.] Repealed by 00-01-164, filed 12/21/99, effective 1/21/00. Statutory Authority: Chapters 34.05 and 50.12 RCW. Later promulgation, see WAC 192-310-050 and 192-310-055.
- 192-12-060 Joint accounts. [Order 2602, § 192-12-060, filed 4/24/70; Regulation 6, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-128, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.24.170.
- 192-12-066 Tips as wages—Remuneration. [Statutory Authority: RCW 50.04.320, 50.12.010 and 50.12.040. 87-01-026 (Order 5-86), § 192-12-066, filed 12/11/86.] Repealed by 99-20-129, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.320.
- 192-12-070 Cash value of certain remunerations. [Statutory Authority: RCW 50.12.010 and 50.12.040. 85-11-038 (Order 1-85), § 192-12-070, filed 5/15/85. Statutory Authority: RCW 50.04.165, 50.04.320, 50.12.010 and 50.12.040. 81-23-010 (Order 4-81), § 192-12-070, filed 11/10/81. Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-12-070, filed 8/14/78; Rule 1, filed 12/1/65, effective 1/1/66; Rule 1, adopted 11/21/49, effective 10 days after filing with secretary of state and publication.] Repealed by 99-20-130, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.320.
- 192-12-074 Predecessor-successor transfers through intermediaries. [Statutory Authority: RCW 50.12.010 and 50.12.040. 85-11-038 (Order 1-85), § 192-12-074, filed 5/15/85.] Repealed by 99-20-131, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW, RCW 50.04.320 and 50.29.062.
- 192-12-076 Delinquent predecessor contributions. [Statutory Authority: RCW 50.12.010 and 50.12.040. 85-11-038 (Order 1-85), § 192-12-076, filed 5/15/85.] Repealed by 00-01-165, filed 12/21/99, effective 1/21/00. Statutory Authority: Chapters 34.05, 50.12 RCW and portion of RCW 50.29.062. Later promulgation, see WAC 192-320-060.
- 192-12-080 Workers to procure Social Security account numbers. [Regulation 7, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-119, filed 10/6/99, effective 11/6/99.
- 192-12-090 Employer elections to cover individuals performing personal services in more than one state. [Order 2602, § 192-12-090, filed 4/24/70; Regulation 8, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-132, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.12.060.
- 192-12-100 Posting of notices by employers. [Regulation 9, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-133, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.20.140.
- 192-12-110 Employing unit's liability for contributions due from contractors or subcontractors. [Order 2-73, § 192-12-110, filed 11/15/73; Regulation 10, adopted 6/10/53, effective 6/20/53.] Repealed by 99-20-120, filed 10/6/99, effective 11/6/99.
- 192-12-115 Bonding and deposit requirements, nonprofit organizations. [Statutory Authority: RCW 50.12.010 and 50.12.040. 87-23-002 (Order 6-87), § 192-12-115, filed 11/5/87. Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-12-115, filed 8/14/78.] Repealed by 99-20-121, filed 10/6/99, effective 11/6/99.
- 192-12-130 Unemployment benefits for interstate claimants. [Statutory Authority: RCW 50.12.010, [50.12.]040, 50.20.010, [50.20.]140 and 50.12.050. 95-18-107, § 192-12-130, filed 9/6/95, effective 10/7/95; Rule 12, adopted 6/10/53, effective 6/20/53.] Repealed by 99-15-069, filed 7/19/99, effective 8/19/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
- 192-12-141 Applying for unemployment benefits. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.20.140. 98-06-097, § 192-12-141, filed 3/4/98, effective 4/4/98. Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.140 and 50.12.050. 95-18-107, § 192-12-141, filed 9/6/95, effective 10/7/95. Statutory Authority: RCW 50.12.010 and 50.12.040. 93-10-025, § 192-12-141, filed 4/28/93, effective 5/29/93; 87-12-021 (Order 2-87), § 192-12-141, filed 5/28/87, effective 8/30/87; Order 2-75, § 192-12-141, filed 2/10/75.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
- 192-12-150 Payment of benefits to partially unemployed persons and stand-by workers as provided by RCW 50.04.310, 50.20.010, and 50.20.130. [Statutory Authority: RCW 50.12.010 and 50.12.040. 94-22-043, § 192-12-150, filed 10/28/94, effective 11/28/94. Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-12-150, filed 8/14/78; Regulation 14, adopted and effective 5/15/58.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
- 192-12-182 Training—Approval by commissioner. [Statutory Authority: RCW 50.12.010 and 50.12.040. 93-16-053, § 192-12-182, filed 7/29/93, effective 8/29/93. Statutory Authority: RCW 50.20.043, 50.12.010 and 50.12.040. 89-03-069 (Order 2-89), § 192-12-182, filed 1/18/89. Statutory Authority: RCW 50.12.010 and 50.12.040. 80-10-052 (Order 4-80), § 192-12-182, filed 8/6/80; Order 2-73, § 192-12-182, filed 11/15/73.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
- 192-12-350 Interpretive regulation—Inclusion of farm labor contractor. [Statutory Authority: RCW 50.12.010 and 50.12.040. 90-08-028, § 192-12-350, filed 3/29/90, effective 4/29/90.] Repealed by 99-20-122, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05 and 50.12 RCW.
- 192-12-355 Interpretive regulation—Clarification of agricultural liability. [Statutory Authority: RCW 50.12.010 and 50.12.040. 90-08-028, § 192-12-355, filed 3/29/90, effective 4/29/90.] Repealed by 99-20-123, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05 and 50.12 RCW.
- 192-12-360 Interpretive regulation—Inclusion of immediate family members of partners. [Statutory Authority: RCW 50.12.010 and 50.12.040. 90-08-028, § 192-12-360, filed 3/29/90, effective 4/29/90.] Repealed by 99-20-127, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.150.
- 192-12-380 Definitions relating to RCW 50.04.140. [Statutory Authority: RCW 50.12.010 and 50.12.040. 91-24-056, § 192-12-380, filed 11/27/91, effective 1/1/92.] Repealed by 99-20-124, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05 and 50.12 RCW.
- 192-12-400 Employer request for benefit charge relief. [Statutory Authority: RCW 50.12.010 and 50.12.040. 92-14-047, § 192-12-400, filed 6/24/92, effective 7/25/92.] Repealed by 00-01-167, filed 12/21/99, effective 1/21/00. Statutory Authority: Chapter 34.05 RCW and RCW 50.20.020(2).

WAC 192-12-005 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-010 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-015 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-018 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-035 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-043 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-050 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-060 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-066 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-070 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-074 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-076 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-080 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-090 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-100 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-110 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-115 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-130 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-141 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-150 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-182 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-330 Predetermination procedure—Separation issue. (1) No determination on a separation issue (RCW 50.20.050, 50.20.060) will be issued until both parties to the separation have had an opportunity to present information and rebuttal, if necessary and appropriate, on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-12-310, the department may at that time make a determination based on available information.

(3) If the department receives information from the employer after the end of the ten-day response period, but

before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the unemployment claims telecenter identified on the notice.

(4) If the department receives information from the employer after the end of the ten-day period and within thirty days following the mailing of a determination, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-12-310 may be considered a request for relief of benefit charges under RCW 50.29.020.

[Statutory Authority: RCW 50.20.010 and 50.12.040, 99-08-073, § 192-12-330, filed 4/5/99, effective 5/6/99; 91-19-007, § 192-12-330, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-330, filed 10/4/89, effective 10/9/89.]

WAC 192-12-350 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-355 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-360 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-380 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-400 Repealed. See Disposition Table at beginning of this chapter.

Chapter 192-15 WAC

PUBLIC DISCLOSURE AND PRIVACY OF INFORMATION

WAC

192-15-150

Records index—Available material.

WAC 192-15-150 Records index—Available material. The department finds that it would be unduly burdensome and would interfere with agency operations to maintain an index of records as specified in RCW 42.17.260(2), because of the complexity and diversity of its operations and the resulting volume of correspondence[,] reports, survey, staff studies and other materials. The department will make available for public inspection and copying all indexes which may at a future time be developed for agency use.

The following records shall be available for inspection and copying through the office of the public records officer and, in addition, those marked with an asterisk (*) shall be available for inspection through the department's local employment centers.

(1) Laws relating to employment security.*

(2) Employment security department rules* Title 192 WAC.

(3) Digest commissioner's decisions.*

- (4) Unemployment insurance tax administration audit manual.
- (5) Tax branch policy manual.
- (6) Benefit policy guide.*
- (7) Unemployment insurance procedures manual.
- (8) Inventory of equipment.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-15-150, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.12.010, 80-07-026 (Order 2-80), § 192-15-150, filed 6/12/80. Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-150, filed 8/14/78.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

Chapter 192-16 WAC

INTERPRETATIVE REGULATIONS OF THE COMMISSIONER OF THE EMPLOYMENT SECURITY DEPARTMENT

WAC

192-16-001	Repealed.
192-16-002	Repealed.
192-16-051	Repealed.
192-16-052	Repealed.
192-16-057	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-16-001	Interpretative regulations—Employer reports—Effect of omitting information—Limitation. [Statutory Authority: RCW 50.12.010, 78-09-027 (Order 1-78), § 192-16-001, filed 8/14/78; Order 2-77, § 192-16-001, filed 9/2/77; Order 4-75, § 192-16-001, filed 8/29/75, effective 10/6/75.] Repealed by 99-20-134, filed 10/6/99, effective 11/6/99. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 49.46.020.
192-16-002	Employer reports—Further defining hours worked—RCW 50.12.070. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.12.070. 96-11-002, § 192-16-002, filed 5/2/96, effective 7/1/96. Statutory Authority: RCW 50.12.010, 78-09-027 (Order 1-78), § 192-16-002, filed 8/14/78; Order 2-77, § 192-16-002, filed 9/2/77.] Repealed by 99-23-098, filed 11/17/99, effective 12/18/99. Statutory Authority: Chapters 34.05 and 50.12 RCW.
192-16-051	Special coverage provisions for educational employees—Definitions—RCW 50.44.050(1). [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.12.070. 96-11-002, § 192-16-051, filed 5/2/96, effective 6/2/96. Statutory Authority: RCW 50.12.010 and 50.12.040. 82-17-052 (Order 6-82), § 192-16-051, filed 8/17/82.] Repealed by 99-18-066, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010.
192-16-052	Objective criteria used to define "academic year"—RCW 50.44.050(5). [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.12.070. 96-11-002, § 192-16-052, filed 5/2/96, effective 6/2/96.] Repealed by 99-18-066, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010.
192-16-057	Interpretive regulation—"Under the same terms and conditions of employment" defined. [Statutory Authority: RCW 50.12.010 and 50.12.040. 88-10-020 (Order 3-88), § 192-16-057, filed 4/29/88.] Repealed by 99-18-066, filed 8/31/99, effective 10/1/99. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010.

WAC 192-16-001 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-002 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-051 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-052 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-16-057 Repealed. See Disposition Table at beginning of this chapter.

Chapter 192-23 WAC

BENEFIT PAYMENT REGULATIONS

WAC

192-23-002	Repealed.
192-23-013	Repealed.
192-23-018	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-23-002	Failure to respond defined. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-23-002, filed 6/18/84.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
192-23-013	Failure to report in person. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-23-013, filed 6/18/84.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
192-23-018	Failure to report as directed to reopen a claim for benefits after a break in claim series. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.20.140. 98-06-097, § 192-23-018, filed 3/4/98, effective 4/4/98. Statutory Authority: RCW 50.12.010 and 50.12.040. 87-12-021 (Order 2-87), § 192-23-018, filed 5/28/87, effective 8/30/87.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.

WAC 192-23-002 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-23-013 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-23-018 Repealed. See Disposition Table at beginning of this chapter.

Chapter 192-24 WAC

CLAIMANT INFORMATION

WAC

192-24-001	through 192-24-030 Repealed.
------------	------------------------------

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-24-001	Information for claimants. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-24-001, filed 6/18/84.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
192-24-010	Claimant information booklet. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-24-010, filed 6/18/84.] Repealed by 99-08-

- 192-24-020 073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040. Presentation of benefit rights. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-24-020, filed 6/18/84.] Repealed by 99-08-073, filed 4/5/99, effective 5/6/99. Statutory Authority: RCW 50.20.010 and 50.12.040.
- 192-24-030 Claimant directive. [Statutory Authority: RCW 50.12.010 and 50.12.040. 84-13-050 (Order 4-84), § 192-24-030, filed 6/18/84.] Repealed by 99-13-002, filed 6/3/99, effective 7/4/99. Statutory Authority: RCW 50.12.010 and 50.12.040.

12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.

WAC 192-24-001 through 192-24-030 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-040 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-045 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-055 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-065 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-075 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-32-105 Repealed. See Disposition Table at beginning of this chapter.

Chapter 192-32 WAC

TIMBER RETRAINING BENEFITS

WAC

- 192-32-040 Repealed.
- 192-32-045 Repealed.
- 192-32-055 Repealed.
- 192-32-065 Repealed.
- 192-32-075 Repealed.
- 192-32-105 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 192-32-040 Employment in the forest products industry. [Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-040, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.
- 192-32-045 Unlikely to return to employment. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.22.090. 98-05-042, § 192-32-045, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010. 95-09-085, § 192-32-045, filed 4/19/95, effective 5/20/95. Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-045, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.
- 192-32-055 Training program deadlines. [Statutory Authority: 50.12.010, 50.12.040, 50.20.010 and 50.22.090. 98-05-042, § 192-32-055, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-055, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.
- 192-32-065 Training program application requirements. [Statutory Authority: 50.12.010, 50.12.040, 50.20.010 and 50.22.090. 98-05-042, § 192-32-065, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-065, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.
- 192-32-075 Occupation in demand outside labor market. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.22.090. 98-05-042, § 192-32-075, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-075, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed 12/1/99, effective 1/1/00. Statutory Authority: RCW 50.12.010, 50.12.040 and 50.22.090.
- 192-32-105 Interstate claims. [Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010 and 50.22.090. 98-05-042, § 192-32-105, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-105, filed 9/20/91, effective 10/21/91.] Repealed by 99-24-136, filed

**Chapter 192-100 WAC
GENERAL TERMS DEFINED**

WAC

- 192-100-500 General definitions—Relating to wages.
- 192-100-510 Definitions relating to RCW 50.04.145 and 50.24.130.

WAC 192-100-500 General definitions—Relating to wages. For purposes of unemployment insurance taxes only:

(1) **Wages.** Includes all payments for personal services performed by an employee for an employer including the cash value of all remuneration paid in any medium other than cash including salaries, commissions, vacation pay, dismissal wages, bonuses and reasonable value of board, rent, housing, lodging, payments in kind, tips, and any other similar advantage received from the individual's employer or directly with respect to work for the employer.

(2) **Wages paid.** Includes wages that are actually received by an individual and wages that are contractually due but are not paid because the employer refuses or is unable to make such payment. (See RCW 50.24.015).

(3) **Wages constructively paid.** Those wages set aside, by mutual agreement of both parties (employer and employee) to be paid at a later date. They are reported for tax purposes when actually paid to the employee. The wages set aside can have no substantial limitation or restriction as to the time or manner or condition upon which payment is to be made. In addition the ability to draw on the wages must be within the control and disposition of the employee.

(4) **Deductions.** The amount(s) any federal or state law requires an employer to deduct from the wages of an individual in its employ; and to pay the amount deducted to the federal or state government, or any of their political subdivisions. The amount deducted will be considered wages and to have been paid to the individual at the time of the deduction. Other amounts deducted from the wages of an individual by an employer also constitute wages paid to the individual at the time of the deduction.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.12.010, 99-20-125, § 192-100-500, filed 10/6/99, effective 11/6/99.]

WAC 192-100-510 Definitions relating to RCW 50.04.145 and 50.24.130. For the purposes of RCW 50.04.145 and 50.24.130.

Definitions:

(1) **Same work.** Means work performed in the same trade or craft (i.e. carpenters, electricians, etc.).

(2) **At the same time.** Means occurring concurrently as opposed to the case of one contractor replacing another in the same trade.

(3) **Project.** Means any work performed under a contract within the scope of a building permit; or, if a building permit is not required, work performed under a contract.

(4) **Separate set of books or records.** Means records other than those maintained by the contractor for which services are performed.

[Statutory Authority: Chapters 34.05, 50.12 RCW, RCW 50.04.145 and 50.24.130, 99-20-126, § 192-100-510, filed 10/6/99, effective 11/6/99.]

Chapter 192-110 WAC

APPLYING FOR UNEMPLOYMENT BENEFITS

WAC

192-110-005	Applying for unemployment benefits—General.
192-110-010	Applications for benefits by interstate claimants.
192-110-015	Applications by partially unemployed or standby workers—RCW 50.04.310, 50.20.010, and 50.20.130.
192-110-020	How will the department verify my identity?
192-110-050	How do I reopen my claim?

WAC 192-110-005 Applying for unemployment benefits—General. (1) **How do I apply for benefits?**

(a) File your application for benefits by placing a telephone call to the unemployment claims telecenter listed in your local telephone directory.

(b) In situations involving individuals with physical or sensory disabilities that make filing by telephone difficult, or in other unusual circumstances, the commissioner can authorize other methods for filing an application for benefits.

(2) **When can I apply?** You may apply at any time between the hours of 8:00 a.m. and 5:00 p.m. (Pacific Time) Monday through Friday (excluding state holidays), even if you are working. Your claim is effective on the Sunday of the week you file your claim.

(3) **What information am I required to provide?** The minimum information needed to process your application is:

- (a) Your legal name; and
- (b) Your social security account number.

You should also be prepared to provide the names, addresses, dates worked, and reasons for job separation for all of your employers during the past two years. Other information may be requested in individual circumstances.

(3) **Will I receive benefits immediately?** The first week you are eligible for benefits is your waiting week. You will not be paid for this week. However, you must file a claim for this week before any benefits for future weeks can be paid to you.

[Statutory Authority: RCW 50.20.010 and 50.12.040, 99-08-073, § 192-110-005, filed 4/5/99, effective 5/6/99.]

[2000 WAC Supp—page 314]

WAC 192-110-010 Applications for benefits by interstate claimants. (1) **What is an "interstate claimant"?** An "interstate claimant" is a person who files a claim for one state's unemployment benefits from another state. The state that pays your claim is called the "liable state". For example:

(a) You are an interstate claimant if you live in Oregon and file a claim from Oregon for benefits that will be paid by Washington.

(b) You are an interstate claimant if you live in Washington and file a claim in Washington for benefits that will be paid by Oregon.

(c) You are NOT an interstate claimant if you live in Oregon but file your claim for Washington benefits in Washington; this is because your claim was filed in the same state that will be paying your benefits.

(2) **Where can I apply for benefits?** You can file your application for benefits from any state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or Canada.

(3) **How do I apply for benefits?** Place a telephone call to the unemployment claims telecenter in Washington. You will be asked whether you worked in any state other than Washington within the last two years. This will help decide which state will be paying your claim.

(a) If Washington will be paying your claim, your application for benefits will be taken over the telephone;

(b) If another state will be paying your claim, you will be told how to file your claim with that state.

(4) **Who decides if I am eligible for benefits?** Every state has its own laws which control eligibility for benefits. If you file a claim for Washington benefits, your eligibility for benefits will be decided by Washington state law even if you file from another state. If you file for benefits against another state, your eligibility for benefits will be decided under that state's laws.

(5) **When can I apply for benefits?** You can apply for benefits at any time, even if you are working. However, if you already have a valid claim in one state, you must continue with that claim as long as benefits are available before a new claim against another state can be established. A "valid" claim is one that has not been denied, terminated, or the benefits exhausted (paid out).

(6) **How do I file an appeal?** If you wish to file an appeal about your claim, do so by filing it directly with the state that is paying your claim (liable state):

(a) If Washington is paying your claim, use one of the filing methods listed in WAC 192-04-060. If mailed, your appeal will be considered filed on the postmarked date.

(b) If another state is paying your claim, mail your appeal directly to that state.

All appeal hearings will be conducted by the liable state by telephone. The liable state will notify you of the date, time, and telephone number of the hearing.

[Statutory Authority: RCW 50.20.010 and 50.12.040, 99-15-069, § 192-110-010, filed 7/19/99, effective 8/19/99.]

WAC 192-110-015 Applications by partially unemployed or standby workers—RCW 50.04.310, 50.20.010, and 50.20.130. (1) **Definitions:**

- (a) "Employer" means any person or business for which you work in exchange for wages.
- (b) "Partially unemployed" means that during a week:
 - (i) You worked for your regular employer less than full time because of lack of work; and
 - (ii) You earned less than one and one-third times your weekly benefit amount plus five dollars.
- (c) "Standby" means you are temporarily unemployed due to lack of work but expect to return to work with your regular employer.

(2) Your rights when you are partially unemployed:

(a) You may file your application or claim for benefits as many as five weeks after your hours are reduced without it being considered late.

(b) You do not have to register for work, however, you must accept all hours offered by your regular employer.

(3) Your rights when you are on standby:

(a) You can ask to be on standby for up to four weeks.

(b) You do not have to register for work.

(c) We will ask your employer to verify that you are on standby and your expected return to work date:

(i) If your employer does not respond, you can be on standby for up to four weeks;

(ii) If your employer confirms you are on standby, you can be on standby for up to four weeks or until the return to work date given by your employer, whichever is earlier;

(iii) If your employer responds that you are not on standby, you will be required to immediately register for work and to look for work.

(d) Your regular employer must request to extend your standby status for more than four weeks. This request is subject to approval by the department. We will consider the following before deciding whether to extend standby status for more than four weeks:

- (i) How long you have been out of work;
- (ii) Whether other suitable work is available;
- (iii) The impact on you and your employer if you accept other work; and
- (iv) Other factors that apply to your situation.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-110-015, filed 4/5/99, effective 5/6/99.]

WAC 192-110-020 How will the department verify my identity? When you file your application for benefits, we will ask you questions based on information in our records, such as your work history.

(1) If we are able to verify your identity with these questions, your application for benefits will be filed.

(2) If we are not able to verify your identity through questioning, we will send you a verification request form:

(a) If the verification form is completed, returned to the department, and provides satisfactory evidence of your identity, your claim will be effective based on the date of your first telephone call;

(b) If the verification form is not completed and returned, or does not satisfy the department of your identity, your benefits will be denied.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-110-020, filed 4/5/99, effective 5/6/99.]

WAC 192-110-050 How do I reopen my claim? If you do not file a claim for one or more weeks, you must reopen your claim by placing a telephone call to the unemployment claims telecenter and asking to have your claim reopened. Benefits will be denied for any week preceding the week in which you reopened your claim, unless you can show good cause for not reopening your claim earlier.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-110-050, filed 4/5/99, effective 5/6/99.]

**Chapter 192-120 WAC
CLAIMANT NOTICES**

WAC

192-120-001	Information for claimants.
192-120-010	Claimant information booklet.
192-120-020	Presentation of benefit rights.
192-120-030	Will I be told if my eligibility for benefits is questioned?
192-120-035	How will adequate notice be provided?
192-120-040	Will I be interviewed before a decision about my eligibility is made?

WAC 192-120-001 Information for claimants. (1)

The department will provide you with information necessary for filing your weekly claims for benefits.

(2) The department will provide assistance to any person who needs help in filing claims.

(3) You will be responsible for following written information provided by the department for the duration of your claim, and will be presumed to understand the information unless you ask for help in understanding it.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-001, filed 4/5/99, effective 5/6/99.]

WAC 192-120-010 Claimant information booklet.

(1) The department will publish an information for claimants booklet, form number EMS 8139, to provide basic information on the laws, rules and procedures about claims for unemployment insurance benefits. Single copies of the booklet will be available to the public at no charge.

(2) Each person who files an application for benefits will be mailed a copy of the most recent version of the information for claimants booklet.

(3) Each person who is mailed a copy of the information booklet will be responsible for filing claims in accordance with its instructions.

(4) A replacement booklet will be mailed to any person who requests one.

(5) Each person who is mailed a booklet is responsible for reporting and filing claims according to the information in the booklet for the duration of the claim unless other specific information is given to the person in writing.

(6) The department will assist any person who may have difficulty understanding the booklet.

(7) If you fail to ask for help in understanding the booklet, you will be presumed to understand its contents and held responsible for any failure to act as directed by the booklet.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-010, filed 4/5/99, effective 5/6/99.]

WAC 192-120-020 Presentation of benefit rights. (1)

When you file an application for benefits, the department will give you a presentation of benefit rights. At a minimum, the presentation of benefit rights will include information regarding:

- (a) Your statement of wages and hours (monetary determination);
 - (b) Instructions on filing weekly claims;
 - (c) Reemployment services; and
 - (d) How eligibility questions are adjudicated.
- (2) You will be responsible for filing claims and providing information as directed in the presentation of benefit rights unless other written instructions are given to you after the presentation of benefit rights.

(3) If there is a conflict between written and spoken information given to you, the written information will apply.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-020, filed 4/5/99, effective 5/6/99.]

WAC 192-120-030 Will I be told if my eligibility for benefits is questioned? Whenever we have a question regarding whether you (the claimant) are eligible for benefits, we will give you adequate notice before making a decision. "Adequate notice" means we will tell you:

- (1) Why we question your eligibility for benefits;
- (2) That you have the right to a fact-finding interview about your eligibility for benefits and that the interview will be conducted by telephone except:
 - (a) When you specifically ask to be interviewed in person, or
 - (b) In unusual circumstances where we decide an in-person interview is necessary;
- (3) That you can have someone, including an attorney, assist you at the interview;
- (4) That you can have witnesses on your behalf, provide evidence, and cross-examine other witnesses or parties;
- (5) That, prior to the interview, you may ask for copies of any records or documents we have that we will consider in making a decision about your eligibility for benefits;
- (6) The date by which you must reply to the notice (which will be no earlier than reasonable mailing time plus five working days); and
- (7) That if you do not respond to the written notice by the date shown, your benefits may be denied and you may have to repay any benefits already paid to you.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-030, filed 4/5/99, effective 5/6/99.]

WAC 192-120-035 How will adequate notice be provided? (1) A written notice will be mailed to your most recent address in our files; or

(2) When you file your weekly claim for benefits by telephone, you will receive a verbal notice. If you do not reply by the last working day of the week in which your claim was filed, a written notice will be mailed to you. The date by which you must reply to this written notice will be no earlier than reasonable mailing time plus five working days, starting from the date your weekly claim for benefits was filed.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-035, filed 4/5/99, effective 5/6/99.]

[2000 WAC Supp—page 316]

WAC 192-120-040 Will I be interviewed before a decision about my eligibility is made? Before any decision is made regarding your eligibility for benefits, you will be given an opportunity to be heard. "Opportunity to be heard" is an offer to hold a fact-finding interview to resolve our questions about your (the claimant's) eligibility for benefits.

(1) At the interview, before you are asked to answer any questions, we will tell you all the facts we have that we will consider in making a decision.

(2) We will not use any facts received after the interview to make our decision unless:

- (a) We tell you about the new information, and
- (b) Give you the chance to respond to the new information.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-120-040, filed 4/5/99, effective 5/6/99.]

Chapter 192-140 WAC**REPORTING REQUIREMENTS TO RECEIVE BENEFITS****WAC**

192-140-005	Filing weekly claims for benefits.
192-140-010	Personal identification number.
192-140-020	Will I be required to report in person?
192-140-025	What does "failure to respond" mean?
192-140-030	What happens if I do not report in person when directed?

WAC 192-140-005 Filing weekly claims for benefits.

(1) **How do I file my weekly claim for benefits?** You may file your claim by placing a telephone call to the unemployment information and weekly claims line. The department can approve other methods of filing a weekly claim in individual circumstances.

(2) **When do I file my claim?** You must file a claim for every week for which you want to be paid or have counted as your waiting week. Every week begins at 12:01 a.m. on Sunday and ends at midnight on Saturday. Your claim must be filed *after* the end of the week(s) you are claiming.

(a) File your telephone claim after 12:01 a.m. Sunday, but before 5:00 p.m. on Friday, following the week you are claiming. (In case of a legal holiday, file your claim before 5:00 p.m. on the last working day of the week.)

(b) If you file by mail, file your claim anytime Sunday through Saturday following the week you are claiming. Your claim is considered filed on the postmarked date.

(3) **How often do I file my claim?** File your claim weekly. The department may approve other filing schedules in cases of emergency or in unusual circumstances.

(4) **What happens if I miss a week?** If you do not claim a week, you will have to contact the unemployment claims telecenter to reopen your claim.

(5) **What information do I have to report?** Your claim must include:

- (a) The Saturday date of the week you are claiming;
- (b) Answers to the questions:
 - (i) A claim filed by telephone cannot be processed unless all questions are answered;
 - (ii) A claim filed in writing will be processed if at least one question is answered and other information required by

this subsection (5) is provided, but your eligibility for benefits will be in question and you will be asked to provide complete information, which could result in a denial of benefits;

(c) Your personal identification number if filing by telephone, or your signature if you filed your claim in writing;

(d) The amount and source of any pension you are receiving for the week claimed;

(e) Any holiday earnings received during the week claimed;

(f) Any vacation pay received during the week claimed, including the dates for which payment was received, if applicable; and

(g) Any earnings and the number of hours you worked during the week claimed.

(6) What happens if I don't provide this information?

A telephone claim that does not meet the requirements of subsection (5) cannot be processed and you will receive verbal instructions to contact your unemployment claims telecenter. A written claim that does not meet these requirements is incomplete and will be returned to you with a request for additional information.

(7) What happens if I file my claim late?

(a) Until you receive your first payment, your claim is late if it is filed more than seven days (one week) after the Saturday of the week being claimed. You will not be paid for these weeks unless you can prove you had a good reason for filing late.

(b) After you have received your first payment, your claim is late if it is filed more than 28 days (four weeks) after the Saturday of the week being claimed. Any week that is filed late may be conditionally paid. This means you will be paid benefits, but you will be asked to prove you had a good reason for filing late. If you cannot do so, you will receive a notice directing you to repay benefits for the week(s) you filed late.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-140-005, filed 4/5/99, effective 5/6/99.]

WAC 192-140-010 Personal identification number.

(1) The first time you call the unemployment information and weekly claims line to obtain information about your claim or to file a weekly claim for benefits, you must establish a personal identification number (PIN). This number is your electronic signature on all claims filed by telephone and its use is equivalent to your signature on written forms.

(2) Security of the PIN is your responsibility. You are responsible for any payments made as a result of the use of this PIN. If you forget your PIN or if someone else, including an employee of the department, learns your PIN, it must be reset. You are responsible for contacting the unemployment claims telecenter to establish a new PIN.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-140-010, filed 4/5/99, effective 5/6/99.]

WAC 192-140-020 Will I be required to report in person? You may be instructed to report in person for any reason the department deems necessary, such as to receive reemployment services. If you do not report in person, benefits will be denied for the week unless:

(1) You have returned to full-time work and cannot report in person, or

(2) You can show you had good cause for not reporting in person. "Good cause" is any factor which would cause another person in similar circumstances to be unable to report in person.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-140-020, filed 4/5/99, effective 5/6/99.]

WAC 192-140-025 What does "failure to respond" mean? (1) "Failure to respond" means you do not report in person when directed to do so, or do not provide all requested information by the date indicated in a written request for information.

(2) If the request for information requires you to report in person and you respond in writing, you will be deemed to have failed to respond unless your written response provides specific information that will establish good cause for not reporting in person.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-140-025, filed 4/5/99, effective 5/6/99.]

WAC 192-140-030 What happens if I do not report in person when directed? (1) If you do not report in person when directed to do so, and do not provide information to explain why you did not report in person, the department will presume you failed to report in person without good cause and benefits will be denied under RCW 50.20.010(1).

(2) This denial of benefits is for definite period of time, which is the week or weeks in which you failed to report in person.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-140-030, filed 4/5/99, effective 5/6/99.]

**Chapter 192-150 WAC
JOB SEPARATIONS**

WAC

192-150-090

How to qualify for benefits after leaving work for marital or domestic reasons.

WAC 192-150-090 How to qualify for benefits after leaving work for marital or domestic reasons. RCW 50.20.050(4) says that benefits will be denied if you quit your job for family reasons. In such cases, the law provides an alternative means for qualifying for benefits other than through work and earnings. Under this alternative method, you must report in person to your local employment center in ten different weeks and establish that you are able to work, available for work, and actively seeking work each week.

If you are an interstate claimant or living in a remote area, you can qualify for benefits under this alternative method by calling the unemployment information and weekly claims line in each of ten different weeks and certifying that you are able to work, available for work, and actively seeking work each week. For purposes of this section, you are living in a remote area if a round trip of more than two hours by reasonably available public or private transportation is required to reach the nearest local employment center and return.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-150-090, filed 4/5/99, effective 5/6/99.]

Chapter 192-180 WAC
JOB SEARCH REQUIREMENTS

WAC

192-180-005	Registration for work—RCW 50.20.010(1) and 50.20.230.
192-180-010	Job search requirements—Directives—RCW 50.20.010(3) and 50.20.240.
192-180-015	Tracking job search activities—RCW 50.20.240.
192-180-020	Monitoring job search activities—RCW 50.20.240.
192-180-025	Eligibility review interviews.
192-180-030	Penalties.

WAC 192-180-005 Registration for work—RCW 50.20.010(1) and 50.20.230. (1) **Am I required to register for work?** You must register for work unless you are:

(a) Attached to an employer, meaning you are partially unemployed or on standby as defined by WAC 192-110-015, or participating in the shared work program under Title 50.60 RCW;

(b) A member of a full referral union;

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

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

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

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

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

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

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

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-005, filed 6/3/99, effective 7/4/99.]

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010(3) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer; or

(b) Participating in a training program approved by the commissioner.

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

[2000 WAC Supp.—page 318]

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

(a) At a minimum, you must:

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

(ii) Participate in a documented in-person job search activity at the local employment center.

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

(c) This subsection does not apply if you are a member of a full referral union.

(4) **What is a "job search contact"?** Usually a job search contact is contact with an employer in person or by telephone. You may use other job search methods that are customary for your occupation and labor market area. The work applied for must be suitable (see RCW 50.20.100) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department determines the contact is designed in whole or in part to avoid meeting the job search requirements.

(5) **What is an "in-person job search activity"?** This is an activity provided through the local employment center that will assist you in your reemployment efforts. It includes, but is not limited to, resume development, job search workshops, training classes, and computer tutorials.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements.

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

(a) Increase the number of employer contacts each week;

(b) Change your method of seeking work (such as from resumes to in-person contacts);

(c) Expand the geographic area in which your job search is conducted; or

(d) Seek work in a secondary occupation.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given, or it is rescinded in writing.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-010, filed 6/3/99, effective 7/4/99.]

WAC 192-180-015 Tracking job search activities—RCW 50.20.240. (1) **Do I need to keep track of my job search activities?** You must keep a record or log of your job search contacts and the services you receive through the local employment center unless you are:

(a) A member of a full referral union; or

(b) Exempt from job search requirements under WAC 192-180-010(1).

(2) **What information do I need to keep in the log?** Your job search log must contain at least the following information:

(a) For job search contacts, record the date contact was made; the employer's name, address and telephone number; the type of contact (in-person, telephone, etc.); the name of the person you contacted; the type of work you applied for; and the results of your contact;

(b) For in-person job search activities at the local reemployment center, record the date contact was made; a description of the services you received or the activities in which you participated; and the results of your contact.

(3) **Is there a specific form I must use?** The department will supply you with a form (EMS 10313) to use in tracking your job search activities. You may use your own form or tracking method as long as all information required by this subsection is recorded.

(4) **How long should I keep my log?** Keep your log for at least sixty days after the end of your benefit year.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-015, filed 6/3/99, effective 7/4/99.]

WAC 192-180-020 Monitoring job search activities—RCW 50.20.240. (1) **Will my job search activities be monitored?** Every week that you file a claim for benefits, you must certify that you meet the job search requirements. The department may review your job search activities at any time. If you have been paid benefits for five or more weeks in any benefit year, you must provide the department with a copy of your job search log upon request. You must bring a copy of your job search log to any eligibility review interview (see WAC 192-180-025) for which you have been scheduled.

(2) **Will the department verify the information on my job search log?** Employer contacts and other job search activities on your log will be verified whenever the department has a question about the information reported. In addition, when you are scheduled for an eligibility review interview, your log will be verified on a random basis.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-020, filed 6/3/99, effective 7/4/99.]

WAC 192-180-025 Eligibility review interviews. (1) **What is an eligibility review interview (ERI)?** The ERI is an interview between you and a representative of the local employment center. Its purpose is to identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve your job search efforts.

(2) **Will my job search activities be reviewed?** Yes, you must bring your job search log to the interview. The interviewer will review your log with you and discuss areas in which your job search can be improved. The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-025, filed 6/3/99, effective 7/4/99.]

WAC 192-180-030 Penalties. (1) **Is there a penalty if I don't look for work?** Benefits will be denied if you fail to:

(a) Meet the minimum job search requirements;

(b) Provide information about your job search activities and, once you have been paid five weeks of benefits, provide a copy of your job search log upon request;

(c) Comply with any job search directive issued by the department; or

(d) Report to a scheduled eligibility review interview.

(2) **How long will my benefits be denied?** Benefits will be denied for the specific week or week(s) in which you fail to act as described in subsection (1).

[Statutory Authority: RCW 50.12.010 and 50.12.040. 99-13-002, § 192-180-030, filed 6/3/99, effective 7/4/99.]

Chapter 192-200 WAC SCHOOL OR TRAINING

WAC

192-200-020

Commissioner approval of training—RCW 50.20.043.

WAC 192-200-020 Commissioner approval of training—RCW 50.20.043. (1) **How do I apply for commissioner approved training?** If you wish to attend school or training while you receive unemployment benefits, and the training will interfere with your availability for full-time work, the training must be approved by the department. Contact the department and ask for an application for commissioner approved training. Your completed application must be returned to the unemployment claims telecenter. You will receive a decision, in writing, denying or approving your training application.

(2) **What factors will the department consider when reviewing my application?** The department will consider the following factors:

(a) Your plan for completion of the training;

(b) The nature of the training facility and the quality of the training;

(c) Whether the training relates to an occupation or skill for which there are, or are expected to be, reasonable employment opportunities in the labor markets in which you intend to seek work;

(d) Whether an oversupply of qualified workers exists;

(e) Whether you have the qualifications and aptitudes to successfully complete such training; and

(f) Whether your employment prospects in occupations in which you have training or experience do not exist or have substantially diminished in the labor market to the extent that the department determines you will probably be unemployed for a lengthy period. These diminished prospects could be the result of business or economic conditions in the area, or due to personal reasons such as your health, physical fitness, criminal background, or other circumstances of a similar nature.

(3) **What about training that is required by my job?** The commissioner will approve training that is required within an occupation if:

(a) The training is a condition of your continued employment;

(b) The scheduling of the training is determined by your employer or a work related entity, and not by you (the claimant); and

(c) The training meets the requirements of subsections (2)(a), (b), (c), (d), and (e) of this section.

(4) **Can academic training be approved?** An academic training course may be approved if the conditions of subsections (1) and (2) of this section are met, and the training meets specific requirements for certification, licensing, or specific skills necessary for the occupation.

(5) **Can these requirements be waived?** In the case of individuals with physical or sensory handicaps, or in other unusual individual circumstances, a written decision of the commissioner may waive any of the requirements of this section on an individual basis.

[Statutory Authority: RCW 50.20.010 and 50.12.040. 99-08-073, § 192-200-020, filed 4/5/99, effective 5/6/99.]

Chapter 192-210 WAC

SPECIAL CATEGORY OCCUPATIONS

WAC

192-210-005	Definitions—Educational employees.
192-210-010	What are the objective criteria used to define "academic year"?—RCW 50.44.050(5).
192-210-015	How will the department decide if reasonable assurance exists?

WAC 192-210-005 Definitions—Educational employees. (1) **Contract.** An agreement that is binding on an educational institution to provide work and on an individual to perform services. Tenure or tenure track status is considered a contract.

(2) **Faculty.** A teacher, counselor, librarian, or other position with similar training, experience and level of responsibility.

(3) **Full time employment.** Employment designated as full time for or at the educational institution under a collective bargaining agreement, individual hiring contract, or other agreement (including institutional policies), as provided in RCW 50.04.310(2). For faculty at public institutions, the hiring contract, agreement or institutional policy must be consistent with the provisions of RCW 28A.150.220 (kindergarten through twelfth grade), RCW 28B.50.851 (community and technical colleges), RCW 28B.35.120 (regional universities), or RCW 28B.20.130 (other colleges and universities).

(4) **Under the same terms and conditions of employment.** This includes economic conditions of employment such as wages, duration of contract, hours of work, and general nature of the work. It does not include other conditions and details such as the specific work location, duties, or assignment. The position need not be identical to the previous position to meet this test. A position would be considered to be under the same terms and conditions of employment if it is of similar type or classification, with similar pay, fringe benefits, hours of work, general type of work, and duration of employment.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010. 99-18-066, § 192-210-005, filed 8/31/99, effective 10/1/99.]

WAC 192-210-010 What are the objective criteria used to define "academic year"?—RCW 50.44.050(5).

[2000 WAC Supp—page 320]

Summer term will be considered part of the academic year for an educational institution unless:

(1) Total enrollment of full-time equivalent students during the previous summer term is less than one third of the average academic year enrollment of full-time equivalent students for the fall, winter, and spring terms of the preceding two years; or

(2) Total full-time equivalent staff during the previous summer term is less than fifty percent of the academic year average of the full-time equivalent staff during the fall, winter, and spring terms during the preceding two years.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010. 99-18-066, § 192-210-010, filed 8/31/99, effective 10/1/99.]

WAC 192-210-015 How will the department decide if reasonable assurance exists? (1) Reasonable assurance is a bona fide offer from an educational institution to assign an individual future work at that institution under the same terms and conditions as the individual's previous employment. It is less than a contract or written agreement, but more than a mere possibility of future employment. The department must find that continued employment for that individual is likely or probable.

(2) Decisions regarding the existence of reasonable assurance will be made on an individual basis, with consideration given to contingencies that may exist in the individual case.

(3) If there is a disagreement regarding whether an individual has reasonable assurance, the institution must provide the department with documentation in support of its statement that reasonable assurance exists for that individual.

(4) Following are some, but not all, examples of the types of documentary evidence that may be provided by an institution:

(a) The terms of any contract or agreement between the individual and the educational institution, including length, contingencies, or provisions for cancellation,

(b) Whether the employer pays fringe benefits to the individual, such as health care, during periods between academic years or terms,

(c) The number of comparable positions at the institution,

(d) Projections of student enrollment, school funding, or program funding contained in the institution's budget,

(e) Any hiring priorities used by the school, such as precedence given to full-time or tenured staff or the use of seniority lists,

(f) The individual's employment history,

(g) Whether the class(es) have been consistently offered by the institution, including whether the class has been canceled due to lack of enrollment.

(5) The existence of reasonable assurance will be determined by the total weight of the evidence, rather than the existence of any one factor included in subsection (4).

[Statutory Authority: RCW 50.12.010, 50.12.040 and 50.20.010. 99-18-066, § 192-210-015, filed 8/31/99, effective 10/1/99.]

Chapter 192-300 WAC
REGISTERING FOR UNEMPLOYMENT
INSURANCE TAXES

WAC

192-300-100	Immediate family member of partners or corporate officers for RCW 50.04.150.
192-300-150	Employer election to cover individuals—Interstate reciprocal coverage agreement.
192-300-180	Joint accounts.

WAC 192-300-100 Immediate family member of partners or corporate officers for RCW 50.04.150. The exemption in RCW 50.04.150 for family members employed on "corporate farms" includes family membership of all legal entities operating the farm.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.150, 99-20-127, § 192-300-100, filed 10/6/99, effective 11/6/99.]

WAC 192-300-150 Employer election to cover individuals—Interstate reciprocal coverage agreement. The commissioner may enter into interstate reciprocal coverage agreements with other states for the purpose of covering services performed by a person for a single employer where the services were performed in more than one state (RCW 50.12.060). These services are to be considered performed entirely in one state where:

- a. Any part of the person's service is performed;
- b. The person has a residence; or
- c. The employer keeps a place of business.

(1) Election process

(a) **Filing.** An employer for whom personal services are performed, may file an election for coverage under the laws of a single state, for individuals who normally perform services in more than one state (or other jurisdiction) using a Form RC-1 "Employer's Election to Cover Multi-State Workers." Our department also requires that any employee to be covered sign the Form RC-2A "Notice to and Acquiescence of Employee as to Unemployment Compensation Coverage" which must accompany the Form RC-1.

(b) **Approval.** The agency of the elected state approves or disapproves the election.

If the agency approves the election, it forwards a copy of the election to any other participating states where the individual(s) might be covered by unemployment compensation law. Each participating state approves/disapproves the election as quickly as possible and notifies the appropriate agency of the elected state. If disapproved, the disapproving state notifies the elected state of its action and reason(s) for disapproval.

(c) **Withdrawal of election.** If an election is not approved, the employer may withdraw its election within ten (10) days of notification.

(d) **Effective date of election.** An approved election is effective at the beginning of the calendar quarter when the election was submitted.

(e) **Termination of election.** A request for election will be automatically terminated if an employee ceases to perform work in more than one state. This termination would take place at the end of the calendar quarter when the change was discovered.

2. Reports/notices to employees by employer or electing unit.

(a) The employer notifies each person affected of any approved election and sends the elected agency a copy of such notice.

(b) If a person covered by this election becomes unemployed, the employer, or electing unit will notify him/her as to which state covers any unemployment insurance claim.

(c) If an election ceases to apply to an individual, the employer will notify the affected individual in writing.

3. Other jurisdictions.

The commissioner may also enter into such reciprocal coverage agreements with the federal government, or foreign governments.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.12.060, 99-20-132, § 192-300-150, filed 10/6/99, effective 11/6/99.]

WAC 192-300-180 Joint accounts. Relates to RCW 50.24.170.

(1) Any two or more employers may form joint accounts (consolidate) for the purposes of reporting and dealing with the unemployment insurance division of the department.

(2) Joint accounts must be acceptable to the department and cannot:

- (i) Impair any obligation by these employers to the unemployment insurance division;
- (ii) Interfere with the payment of benefits to workers;
- (iii) Result in any administrative inconvenience to the division; or
- (iv) Allow an employer to receive an experience rate to which it was not entitled.

(3) Joint accounts must provide for the maintenance of all records necessary under the Employment Security Act.

(4) Joint accounts may not be formed until the department has approved the plan of consolidation, in writing.

(5) A joint account should never be confused with a common paymaster. A common paymaster is an independent third party who contracts with, and represents, two or more employers; and who files a combined tax report for those employers. Common paymaster does not meet the department's definition of a joint account. We do not allow this type of reporting.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.24.170, 99-20-128, § 192-300-180, filed 10/6/99, effective 11/6/99.]

Chapter 192-310 WAC**REPORTING OF WAGES AND TAXES DUE****WAC**

192-310-035	Employer reports—Failure to report hours.
192-310-040	Employer reports—Further defining hours worked—RCW 50.12.070.
192-310-050	Employer records.
192-310-055	Employer records—Farm operator or farm labor contractor.
192-310-060	Tips as wages.
192-310-070	Value of meals, lodging and in-kind compensation.
192-310-100	Posting of notices by employers.

WAC 192-310-035 Employer reports—Failure to report hours. (1) If an employer fails to report hours worked and a former employee files for benefits, the benefits will be

based on the amount of hours calculated by using the state's minimum wage (RCW 49.46.020) in effect at the time.

(2) If the employer subsequently produces the actual hours worked, the employee's claim will be recalculated.

(3) In the event the claim is voided, or reduced, the original claim amount will not be considered as an overpayment against the claimant.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 49.46.020, 99-20-134, § 192-310-035, filed 10/6/99, effective 11/6/99.]

WAC 192-310-040 Employer reports—Further defining hours worked—RCW 50.12.070. This section defines the hours that should be included on the employer's quarterly tax and wage report.

(1) **Vacation pay.** The employer will report the number of hours an employee is on leave with pay. Cash payments made in place of vacation time will not be counted as hours worked.

(2) **Sick leave pay.** In accordance with RCW 50.04.330(1), any amount of payments made to the employee covered under a qualified plan regarding sickness or accident disability, insurance or annuities, medical or hospitalization expenses in connection with sickness or accident disability, death or retirement are not considered to be wages or compensation. Neither hours nor wages are reportable. Under a nonqualified plan, the wages and hours are reportable.

(3) **Overtime.** The employer will report the number of hours actually worked for which overtime pay or compensatory time is provided, without regard to the amount of wages or compensation paid.

(4) **Commissioned employees.** An employer will report the actual number of hours worked by employees paid by commission. In the absence of reliable time keeping records, the employer will report a full-time commissioned employee for 40 hours worked for each week in which any of their duties were performed.

(5) **Wages in lieu of notice.** When an employee is paid wages in lieu of notice, the employer will report the actual number of hours that would have been for which they were compensated. Wages in lieu of notice compensates the employee upon termination of service for the amount of wages they would have earned during the specified period.

(6) **Employees on salary.** If a salaried employee works other than the regular 40-hour week, the employer will report the actual number of hours worked. In the absence of a reliable time keeping record, the employer will report a full-time salaried employee for 40 hours each week they worked.

(7) **Faculty employees.** Faculty members of community and technical colleges must teach at least 15 classroom or laboratory hours to be considered full-time. A teaching load of less than 15 hours of instruction is considered part-time.

(i) In the absence of reliable hourly information, an employer will report the hours of instruction as part-time using 35 hours as the base per week using the following computation. For example, an instructor teaches 12 hours per week. 12 hours divided by 35 hours equals 34%. 35 hours times 34% equals 12 hours. The employer will report the 12 hours to the department on the employer's quarterly tax and wage report.

(ii) Any part-time salaried instructor who does not establish a valid claim because of this formula, may provide the department with documentation of hours worked which exceeds the reported hours by the employer.

(8) **Severance pay.** Employers will not report additional hours worked for severance pay. Severance pay is reportable and taxable because it is based on past service and compensates the employee upon job separation.

(9) **Payment in kind.** The employer will report the actual hours worked for performing services, which are compensated only by payment in kind.

(10) **Bonuses, tips and other gratuities.** An employer will not report additional hours for bonuses, tips or other gratuities if they are received performing regular hours if bonuses, tips and gratuities are the only sources of their compensation.

(11) **Fractions of hours.** If the employee's total number of hours for the quarter results in a fraction amount, the total figure will be rounded to the next higher number.

[Statutory Authority: Chapters 34.05 and 50.12 RCW, RCW 50.12.070 and 50.04.330(1), 99-20-141, § 192-310-040, filed 10/6/99, effective 11/6/99.]

WAC 192-310-050 Employer records. The commissioner requires every employer to keep true and accurate business, financial, and employment records which are deemed necessary for the effective administration of chapter 50.12 RCW.

Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for four calendar years following the calendar year in which employment occurred:

- a. The name of each worker;
- b. The Social Security number of each worker;
- c. The beginning date of employment for each worker and, if applicable, the separation date of employment of each worker;
- d. The basis upon which wages and/or remuneration are paid to each worker;
- e. The location where such services were performed;
- f. A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each day;
- g. The workers' total gross pay period earnings;
- h. The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld to equate to net pay; and
- i. The cause for any discharge where a worker was separated from the job due to discharge; or the cause of any quit where a worker quit the job if the cause for the quit is known.

[Statutory Authority: Chapters 34.05 and 50.12 RCW, 00-01-164, § 192-310-050, filed 12/21/99, effective 1/21/00. Formerly WAC 192-12-050 (part).]

WAC 192-310-055 Employer records—Farm operator or farm labor contractor. The commissioner requires every employer to keep true and accurate employment records under chapter 50.12 RCW.

(1) Farm operators, or farm labor contractors must comply with the rules set forth in WAC 192-310-050.

(2) Farm operators contracting with a crew leader or a farm labor contractor must make, keep, and preserve, original records containing the following information:

- (a) The inclusive dates of the contract;
- (b) The types of services performed;
- (c) The number of persons performing such services;
- (d) The name of the contractor or crew leader; and
- (e) Evidence of the farm labor contractor's license as required under chapter 19.30 RCW.

[Statutory Authority: Chapters 34.05 and 50.12 RCW. 00-01-166, § 192-310-055, filed 12/21/99, effective 1/21/00. Formerly WAC 192-12-050 (part).]

WAC 192-310-060 Tips as wages. For the department to make timely and accurate employer liability determinations and unemployment insurance payments, tips as wages, are those tips that an employee is required to report to the employer by federal law.

(1) The employer must report tips each quarter on an "as paid" basis. Tips are considered "paid" when the employee reports them to the employer for federal income tax purposes; or when they are distributed by the employer to the employee.

(2) Tips are not considered wages for benefit calculation purposes when the value has not been reported to the employer.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.320. 99-20-129, § 192-310-060, filed 10/6/99, effective 11/6/99.]

WAC 192-310-070 Value of meals, lodging and in-kind compensation. Relates to compensation paid for personal services including commissions and bonuses and the cash value of all remuneration paid in any form other than cash.

(1) The value of meals and/or lodging for the convenience of the employer (i.e. provided by the employer, on the employer's premises, or as a condition of employment) is not considered reportable compensation, unless it comprises twenty-five percent, or more, of the employee's total pay per pay period.

(2) Compensation for personal services paid in-kind, or in any medium other than cash will be given its current prevailing market value. This value will be considered as wages in computing taxes due under unemployment insurance laws. If any hiring contract fixes the value of such items, the value will be considered the actual value.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.04.320. 99-20-130, § 192-310-070, filed 10/6/99, effective 11/6/99.]

WAC 192-310-100 Posting of notices by employers. (Relating to RCW 50.20.140). Employers who are responsible for unemployment insurance coverage of their employees must post and maintain printed notices to individuals who are employed by the employer. These notices inform the individual that this employer is liable for taxes under the Employment Security Act.

(1) The notices provide information to individuals who may be unemployed about how to register for work, file claims for benefits, and rights to benefits. The notices are to

be posted in conspicuous places close to the actual location where the personal services are performed.

(2) The department will provide notices to employers.

[Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 50.20.140. 99-20-133, § 192-310-100, filed 10/6/99, effective 11/6/99.]

Chapter 192-320 WAC

EXPERIENCE RATING AND BENEFIT CHARGING

WAC

192-320-055	Predecessor-successor transfers through intermediaries.
192-320-060	Delinquent predecessor taxes.
192-320-065	Relief of benefit charges.

WAC 192-320-055 Predecessor-successor transfers through intermediaries. When operating assets are transferred from one employer to another by the use of an intermediary, whose function is to arrange, or facilitate, the transfer process (RCW 50.04.320 and 50.29.062) – the existence of a predecessor-successor relationship will be determined on a case-by-case basis by the department. The fact that an intermediary was used does not preclude the existence of a predecessor-successor relationship.

In determining if a predecessor-successor relationship exists, the department will consider the:

- a. Intent of the parties involved; and
- b. Economic reality of the transactions, as opposed to the strict legal format of the multiple transfers.

[Statutory Authority: Chapters 34.05, 50.12 RCW, RCW 50.04.320 and 50.29.062. 99-20-131, § 192-320-055, filed 10/6/99, effective 11/6/99.]

WAC 192-320-060 Delinquent predecessor taxes. RCW 50.29.062 provides that a successor employer, defined in WAC 192-300-050, will be assigned the tax rate of the predecessor employer. If the successor employer has been assigned the maximum tax rate due to late or nonpayment of taxes to the department by the predecessor employer; they may receive a lower rate upon completion of the following:

- a. Submit a written request to the department; and
- b. Payment of delinquent tax payments by the cut-off date of September 30th; or
- c. If the purchase was finalized after September 30th and all reports and any taxes due are submitted within thirty (30) days of escrow closure, or purchase of the business.

The successor employer will receive the tax rate of the predecessor employer as if the taxes had been paid timely. The successor will keep this rate until eligible under experience rating statutes for a different rate.

[Statutory Authority: Chapters 34.05, 50.12 RCW and portion of RCW 50.29.062. 00-01-165, § 192-320-060, filed 12/21/99, effective 1/21/00. Formerly WAC 192-12-076.]

WAC 192-320-065 Relief of benefit charges. For purposes of RCW 50.20.020(2) a contribution-paying non-local government base year employer may request relief from certain benefit charges which result from the payment of benefits to an individual.

(1) **Employer added to a monetary determination as the result of a re-determination.** The employer's request for relief of benefit charges must be received or postmarked

within thirty (30) days of mailing the notification of re-determination (Notice to Base Year Employer - EMS 166).

(2) **Timely Response.** The commissioner may consider a request for relief of benefit charges that has not been received or postmarked within thirty (30) days as timely if the employer establishes good cause for the untimely response.

(3) **Additional Information.**

(a) The employer shall provide the information requested by the department within thirty (30) days of the mailing date of the department's request.

(b) It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to make a determination of relief of benefits charges, or good cause for failure to respond in a timely manner.

(c) Failure to respond within thirty (30) days will result in a denial of the employer's request for relief of benefit charges unless the employer establishes good cause for the untimely response.

(4) **Denial and Appeal of Request.** Any denial of a request for relief of benefit charges shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

[Statutory Authority: Chapter 34.05 RCW and RCW 50.20.020(2), 00-01-167, § 192-320-065, filed 12/21/99, effective 1/21/00.]

Title 194 WAC

DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT

Chapters

194-22 Washington state curtailment plan for electric energy.

Chapter 194-22 WAC

**WASHINGTON STATE CURTAILMENT PLAN FOR
ELECTRIC ENERGY**

WAC

194-22-010	Purpose and goal.
194-22-020	Definitions.
194-22-120	Curtailment administration—Exemptions and adjustments.
194-22-130	Curtailment administration—State appeals board.

WAC 194-22-010 Purpose and goal. The purpose of this chapter is to establish the process by which the state of Washington and Washington state utilities will initiate and implement state-wide electric load curtailment when there is an insufficient supply of electric energy. This chapter constitutes the Washington state curtailment plan for electric energy (plan). The plan is not intended to be activated for relatively short-term emergencies such as those caused by extremely cold weather or the temporary loss of a major gen-

erating plant, but for regional, protracted shortages of electric energy. The plan will be activated by the department of community, trade, and economic development for regional emergencies for which regional curtailment is necessary. Such emergencies may or may not coincide with other emergencies for which other actions, such as repair of damaged facilities, are necessary.

The goal of this plan is to accomplish necessary curtailment while treating consumers fairly and equitably, minimizing adverse impacts from curtailment, complying with existing state laws and regulations, and providing for smooth, efficient, and effective curtailment administration.

[Statutory Authority: RCW 43.21F.045, 99-21-008, § 194-22-010, filed 10/8/99, effective 11/8/99; 94-20-103, § 194-22-010, filed 10/4/94, effective 11/4/94.]

WAC 194-22-020 Definitions. "Base billing period" is one of the billing periods comprising the base year. Base billing period data may be weather-normalized at each utility's discretion before being used to calculate the amount of curtailment required by consumers.

"Base year" is the period from which required curtailment is calculated. It is normally the twelve-month period immediately preceding imposition of state-initiated load curtailment.

"Critical load consumer" includes consumers that supply essential services relating to public health, safety, welfare, or energy production, and includes but is not limited to those consumers listed in RCW 43.21G.030.

"Curtailment" means electric load reduction, irrespective of the means by which that reduction is achieved.

"Curtailment target" is the maximum amount of energy that a consumer may use and still remain in compliance with the state curtailment request or order; the curtailment target is figured individually for each consumer.

"Direct service industries" means industries, primarily aluminum plants, that receive electric power directly from the Bonneville Power Administration (BPA).

"Excess power consumption" is that amount of electric energy consumed during any billing period which is above the consumer's calculated curtailment target. It is calculated as one of two values:

- *Actual or estimated load minus curtailment target; or
- *Weather-normalized load minus curtailment target.

Under mandatory curtailment, if a consumer's electric energy consumption exceeds the threshold consumption level, all excess power consumption is subject to penalty unless exempted (see WAC 194-22-110, mandatory curtailment enforcement).

"General use customer" refers to any nonresidential consumer who purchased and consumed five average megawatts or less during the base year.

"Major use consumer" refers to any consumer who purchased and consumed over five average megawatts during the base year.

"Minimum audit level" is the minimum percentage of consumers in each consuming sector that must be audited each billing period under mandatory curtailment. The minimum audit level is set by the state and subject to change.