

RCW 50.60.030 Compensation plan—Criteria for approval. An employer or employers' association wishing to participate in a shared work compensation program shall submit a written and signed shared work compensation plan to the commissioner for approval. The commissioner shall approve a shared work compensation plan only if the following criteria are met:

(1) The plan identifies the affected employees to which it applies;

(2) Each affected employee is identified by name, social security number, and by any other information required by the commissioner;

(3) The usual weekly hours of work for each affected employee are reduced by not less than ten percent and not more than fifty percent;

(4) The employer certifies health benefits will continue to be provided under the same terms and conditions as when the affected employee worked his or her usual weekly hours of work. Affected employees must be allowed to maintain coverage under the same terms and conditions as employees not participating in the shared work compensation plan. However, a change in health benefits applicable to employees who are not participating in the shared work compensation plan may also apply to affected employees;

(5) The employer certifies retirement benefits under a defined benefit plan or contributions under a defined contribution plan will continue to be provided under the same terms and conditions as when the affected employee worked his or her usual weekly hours of work. Affected employees must be allowed to maintain coverage in the retirement plan under the same terms and conditions as employees not participating in the shared work compensation plan. However, a reduction in benefits under a defined benefit plan or a reduction in contributions under a defined contribution plan applicable to employees who are not participating in the shared work compensation plan may also apply to affected employees;

(6) The employer certifies paid vacation, holidays, and sick leave continue to be provided under the same terms and conditions as when the affected employee worked his or her usual weekly hours of work. Affected employees must be allowed to maintain these benefits under the same terms and conditions as employees not participating in the shared work compensation plan. However, a reduction in these benefits applicable to employees who are not participating in the shared work compensation plan may also apply to affected employees;

(7) The plan certifies that the aggregate reduction in work hours for each affected employee is in lieu of layoffs which would have resulted in an equivalent reduction in work hours;

(8) The plan is approved in writing by the collective bargaining agent for each collective bargaining agreement covering any affected employee;

(9) The plan will not subsidize seasonal employers during the off season;

(10) The employer agrees to furnish reports necessary for the proper administration of the plan and to permit access by the commissioner to all records necessary to verify the plan before approval and after approval to evaluate the application of the plan;

(11) The plan includes an estimate of the number of layoffs that would have occurred absent the ability to participate in shared work;

(12) The shared work compensation plan includes a plan to give advance notice, when feasible, to an employee whose usual weekly hours

of work will be reduced. If not feasible, the shared work compensation plan must explain why it is not feasible; and

(13) The employer must attest that participation is consistent with employer obligations under federal and state law.

In addition to subsections (1) through (13) of this section, the commissioner shall take into account any other factors which may be pertinent. [2013 c 79 § 2; 2009 c 3 § 8; 1985 c 43 § 1; 1983 c 207 § 3.]

Conflict with federal requirements—2013 c 79: See note following RCW 50.60.020.

Short title—Effective date—Conflict with federal requirements—2009 c 3: See notes following RCW 50.20.120.

Conflict with federal requirements—1985 c 43: "If any part of this act is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this act is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this act. The rules under this act shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state." [1985 c 43 § 2.]

Severability—1985 c 43: "If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." [1985 c 43 § 3.]