

- 186-12-210 Retirement—Voluntary—Application for. [Adopted 7/30/48. See RCW 41.44.140(1).] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 186-12-300 Withdrawals from system—Employees' contributions—When payable. [Adopted 5/28/48. See RCW 41.44.190(1).] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 186-12-310 Withdrawals from system—Application, presentment to board. [Adopted 5/25/51. See RCW 41.44.190(1).] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 186-12-330 Withdrawals from system—Assignment by member of contributions. [Filed 3/11/60. See RCW 41.44.190.] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 186-12-350 Redeposit of member's contributions previously withdrawn. [Adopted 5/28/48. See RCW 41.44.190(4).] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 186-12-400 Rules promulgated under chapter 98, Laws of 1951 [RCW 41.04.070-41.04.110] relating to service credits. [Adopted 1/25/52. See chapter 41.04 RCW.] Repealed by 78-03-023 (Order IV), filed 2/15/78. Statutory Authority: RCW 41.50.050(6) and 41.50.090.
- 192-09-420 Special proceedings—Challenge of examiner—Bias or interest.
- 192-09-425 Special proceedings—Challenge of commissioner—Bias or interest.

WAC 192-09-030 Preamble. RCW 50.32.010 provides, in part, as follows:

" . . . Notice of any appeal or petition for hearing taken to an appeal tribunal in any proceeding under this act may be filed with such agency as the commissioner may by regulation prescribe."

RCW 50.32.020 provides, in part, as follows:

"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal . . ."

RCW 50.32.060 provides, in part, as follows:

"The manner in which any dispute shall be presented to the appeal tribunal, and the conduct of hearings and appeals, shall be in accordance with regulations prescribed by the commissioner for determining the rights of the parties, whether or not such regulations conform to common law or statutory rules of evidence and other technical rules of procedure. . . ."

RCW 50.32.070 provides:

"Within ten days from the date of notification or mailing, whichever is the earlier, of any decision of an appeal tribunal, the commissioner on his own order may, or upon petition of any interested party shall, take jurisdiction of the proceedings for the purpose of review thereof. Appeal from any decision of an appeal tribunal may be perfected so as to prevent finality of such decision if, within ten days from the date of mailing the appeal tribunal decision, or notification thereof, whichever is the earlier, a petition in writing for review by the commissioner is received by the commissioner or by such representative of the commissioner as the commissioner by regulation shall prescribe. The commissioner may also prevent finality of any decision of an appeal tribunal and take jurisdiction of the proceedings for his review thereof by entering an order so providing on his own motion and mailing a copy thereof to the interested parties within the same period allowed herein for receipt of a petition for review. The time limit provided herein for seeking review by the commissioner and for the commissioner's assumption of jurisdiction on his own motion for review shall be deemed to be jurisdictional."

RCW 50.32.100 provides:

"In all proceedings provided by this title prior to court review involving dispute of an individual's initial determination, or claim for waiting period credit, or for benefits, the fees of all witnesses attending such proceedings pursuant to subpoena shall be paid at the rate fixed by such regulation as the commissioner shall prescribe and such fees and all costs of such proceedings otherwise chargeable to such individual, except charges for services rendered by counsel or other agent representing such individual, shall be paid out of the unemployment compensation administration fund. In all other respects and in all other proceedings under this title the rule in civil cases as to costs and attorney fees shall apply: *Provided*,

WAC 186-12-010 through 186-12-400 Repealed.
See Disposition Table at beginning of this chapter.

Title 192 WAC EMPLOYMENT SECURITY DEPARTMENT

Chapters

- 192-09 Practice and procedure.
192-10 Hearing and review under the work incentive program.
192-12 Substantive rules.
192-14 Public disclosure.
192-15 Public disclosure and privacy of information.
192-16 Interpretative regulations of the commissioner of the employment security department.

Chapter 192-09 WAC PRACTICE AND PROCEDURE

WAC

- 192-09-030 Preamble.
192-09-040 Interested parties defined.
192-09-060 Appeals—Right to notice of.
192-09-110 Hearings—Special scheduling—Postponement.
192-09-135 Hearings—Evidence.
192-09-230 Subpoenas—Procedure to quash.
192-09-315 Decisions—Petition for review.
192-09-400 Special proceedings—Prehearing conference—Purpose.
192-09-405 Special proceedings—Prehearing conference—Examiner's order.

That cost bills may be served and filed and costs shall be taxed in accordance with such regulation as the commissioner shall prescribe."

RCW 50.20.150 provides:

"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If, during his benefit year, the applicant becomes unemployed after having accepted subsequent work, and reports for the purpose of re-establishing his eligibility for benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes.

"Each base year employer shall be promptly notified of the filing of any application for initial determination which may result in a charge to his account."

RCW 50.12.010 provides, in part, as follows:

"The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end. . . ."

RCW 34.04.020 provides, in part, as follows:

"In addition to other rule-making requirements imposed by law:

(1) Each agency shall adopt rules governing the formal and informal procedures prescribed or authorized by this chapter and rules of practice before the agency, together with forms and instructions: *Provided*, That RCW 34.04.022 shall apply to agencies which have not adopted comprehensive rules of practice and procedure, in accordance with the provisions of this chapter, prior to July 1, 1967."

RCW 34.04.090 provides, in part, as follows:

"(7) Each agency shall adopt appropriate rules of procedure for notice and hearing in contested cases.

"(8) Agencies, or their authorized agents, may

"(d) take or cause depositions to be taken pursuant to rules promulgated by the agency, . . ."

The commissioner accordingly prescribes: [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-030, filed 8/14/78; Order 2602, § 192-09-030, filed 4/24/70.]

WAC 192-09-040 Interested parties defined. As used in this regulation, unless the context clearly indicates otherwise, the term "interested party" means:

(1) In the case of a claim for waiting period credit or benefits, the claimant, and in the event of an issue concerning a separation from work for reasons other than lack of work, the party from whose employ the claimant became separated.

(2) In the case of an assessment for, or denial of a claim for refund of, contributions or interest, or of denial

of adjustment of experience rating credit, or a denial of a redetermination of benefit charges made to an employer's account or an employer's determined or redetermined rate of contribution, the party whose contributions, experience rating, benefit charges, or rate of contribution is affected by such assessment or denial.

(3) Any other party whom the commissioner shall in writing recognize as an interested party. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-040, filed 8/14/78; Order 2602, § 192-09-040, filed 4/24/70.]

WAC 192-09-060 Appeals--Right to notice of. Notice of appeal rights shall be set forth on the face of, or as an attachment to, each of the following:

(1) Redetermination of an initial determination.

(2) Determination of allowance or denial of waiting period credit or benefits.

(3) Redetermination of allowance or denial of waiting period credit or benefits.

(4) Notice of assessment of contributions or interest.

(5) Denial of a claim for refund of contributions or interest.

(6) Denial of adjustment of experience rating credit.

(7) Denial of a redetermination of benefit charges made to an employer's account.

(8) Denial of a redetermination of an employer's determined or redetermined rate of contribution.

(9) Decisions and orders issued by an appeal tribunal other than an order approving a withdrawal of appeal.

(10) Decisions of commissioner. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-060, filed 8/14/78; Order 2602, § 192-09-060, filed 4/24/70.]

WAC 192-09-110 Hearings--Special scheduling--Postponement. Requests for scheduling a hearing at a specific hour or on a specific day within the limitations as specified in WAC 192-09-105 shall be addressed in writing to the appeal tribunal who, in the exercise of sound discretion, shall grant such a hearing only upon a basis of good cause shown therefor. Any hearing, once scheduled, shall be rescheduled upon request of an interested party, only upon a basis of good cause shown therefor.

Any party who desires a postponement, immediately upon receipt of notice of a hearing, or as soon thereafter as facts requiring such postponement come to his or her knowledge, shall notify the designated appeal examiner, or in his or her absence the chief appeal examiner, of said desire, stating in detail the reasons why such postponement is necessary. The designated appeal examiner, or chief appeal examiner, in passing upon a request for postponement, shall consider whether such request was promptly and timely made. For good cause shown, the designated appeal examiner, or in his or her absence the chief appeal examiner shall grant such postponement, and may at any time order a postponement upon his or her own motion. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-110, filed 8/14/78; Order 2602, § 192-09-110, filed 4/24/70.]

WAC 192-09-135 Hearings--Evidence. At all hearings before an appeal tribunal testimony shall be taken under oath or on affirmation and the right of cross-examination afforded to all interested parties. The appeal tribunal shall receive any evidence logically tending to prove or disprove a given fact in issue, irrespective of common law rules of evidence, but no decision or findings of fact shall be based exclusively upon hearsay evidence unless such hearsay evidence would be considered admissible under the rules of evidence for superior courts of the state of Washington. The appeal tribunal, when any evidence is unnecessarily cumulative in effect or where any evidence neither tends to prove nor disprove a relevant fact in issue, may, on objection of an interested party or on its own motion, exclude or prohibit such evidence from being received. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-135, filed 8/14/78; Order 2602, § 192-09-135, filed 4/24/70.]

WAC 192-09-230 Subpoenas--Procedure to quash. Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena is directed (and upon notice to the party to whom the subpoena was issued) the appeal examiner who issued the subpoena or the chief appeal examiner may (1) quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or (2) condition denial of the motion upon just and reasonable conditions. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-230, filed 8/14/78; Order 2602, § 192-09-230, filed 4/24/70.]

WAC 192-09-315 Decisions--Petition for review. Any interested party who is aggrieved by a decision of an appeal tribunal other than an order approving a withdrawal of an appeal or a withdrawal of a petition for hearing, may petition the commissioner to review such decision. Such petition for review must be completed in writing by the aggrieved party or his or her representative and forms for this purpose shall be furnished by the commissioner on request, although the use of such forms shall not be a jurisdictional requirement. The filing of a petition for review shall be deemed timely if the written petition is received at any office of the employment security department, or in an office of the unemployment compensation agency of any other state or territory, within ten days after the date on which the appeal tribunal decision was mailed to the aggrieved party's last known address. If the petition for review is mailed, it shall be deemed filed with the addressee on the postmark date if said document is properly addressed and has sufficient postage affixed thereto. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-315, filed 8/14/78; Order 2602, § 192-09-315, filed 4/24/70.]

WAC 192-09-400 Special proceedings--Prehearing conference--Purpose. In any complex proceeding, the appeal examiner upon his or her own motion, or upon

the request of any interested party or their qualified representative, may in his or her discretion direct the parties or their qualified representatives to appear at a specified time and place for a conference to consider

- (1) The simplification of the issues;
- (2) The necessity of amendments to the pleadings;
- (3) The possibility of obtaining stipulations, admissions of fact and of documents;
- (4) The limitation of witnesses;
- (5) Such other matters as may aid in the disposition of the proceedings. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-400, filed 8/14/78; Order 2602, § 192-09-400, filed 4/24/70.]

WAC 192-09-405 Special proceedings--Prehearing conference--Examiner's order. The appeal examiner may make an order or statement which recites the action taken at the conference, the amendments allowed to the pleadings and the agreements made by the parties or their qualified representatives as to any of the matters considered, including the settlement or simplification of issues, and which limits the issues for hearing to those not disposed of by admission or agreements, and such order or statement shall control the subsequent course of the proceeding unless modified for good cause by subsequent order. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-405, filed 8/14/78; Order 2602, § 192-09-405, filed 4/24/70.]

WAC 192-09-420 Special proceedings--Challenge of examiner--Bias or interest. No examiner shall hear or decide any disputed issues in any case in which he or she has an interest. Any interested party having reason to believe that the examiner assigned to the case is prejudiced in the matter, may, at any time prior to the issuance of a discretionary ruling by the examiner assigned to the case, petition the examiner, the chief appeal examiner, or the commissioner for a change of examiner. After the issuance of a discretionary ruling, a petition for a change of examiner will be considered only if the petitioner alleges that the examiner had an actual undisclosed personal or financial interest in the outcome of the case. At any time after a hearing and prior to the commissioner's decision, any interested party having reason to believe that the examiner assigned to the hearing before the appeal tribunal failed to disclose a personal or financial interest in the outcome of the case, may petition the commissioner for a new hearing before an impartial appeal tribunal. If an examiner assigned to hear a disputed matter refuses a petition for a change of examiner on a challenge to his or her interest, such challenge shall be heard and decided by the commissioner or his or her duly authorized representative. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-420, filed 8/14/78; Order 2602, § 192-09-420, filed 4/24/70.]

WAC 192-09-425 Special proceedings--Challenge of commissioner--Bias or interest. The commissioner shall not review any case on petition in which he or she has an interest. Any interested party having reason to

believe that the commissioner is prejudiced in the matter shall address his or her reasons in support of such belief to the commissioner in writing at any time before issuance of the commissioner's decision. If the commissioner deems himself or herself prejudiced in the matter, he or she shall under the authority of RCW 50.12.020, assign the matter for review and decision to any departmental employee he or she deems competent. Any decision issued under the authority of this provision shall be signed by the individual who prepared the decision with the designation, "representative of the commissioner" appearing immediately below his or her signature. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-09-425, filed 8/14/78; Order 2602, § 192-09-425, filed 4/24/70.]

Chapter 192-10 WAC

HEARING AND REVIEW UNDER THE WORK INCENTIVE PROGRAM

WAC

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192-10-030	Hearings—Requests—Time limitations.
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192-10-270	Repealed.
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192-10-300	Petition for review by the commissioner.
192-10-310	Commissioner's review procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-10-260	Disposition by decision on the merits. [Order 4-72, § 192-10-260, filed 11/6/72.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 74.22.110 and 74.23.120.
192-10-270	Disposition by decision other than on the merits. [Order 4-72, § 192-10-270, filed 11/6/72.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 74.22.110 and 74.23.120.

WAC 192-10-010 Hearings and review under the work incentive program. Definitions:

(1) "AFDC" (Aid to Families with Dependent Children) means the program authorized under Title IV-A of the federal Social Security Act to provide financial assistance and social services to needy families with children.

(2) "Appellant" means a registrant who requests a hearing with the appeal tribunal.

(3) "Appeals examiner" means an authorized hearing officer of the appeal tribunal.

(4) "Appeal tribunal" means the adjudicative body provided by the department to hear disputes under this chapter.

(5) "Commissioner" means the commissioner of the employment security department.

(6) "Appraisal" means the interview of a WIN registrant by WIN sponsor staff and Separate Administrative Unit (SAU) staff to determine employability potential, to determine the need for supportive services, and to develop an employability plan.

(7) "Department" means the Washington state department of employment security in its capacity as state WIN sponsor.

(8) "DSHS" means the Washington state department of social and health services.

(9) "Exemption" means exclusion from the requirement imposed upon AFDC recipients under Title IV-A of the Social Security Act to register for the WIN program.

(10) "National Review Panel" means the highest level of administrative authority for appeals under the WIN program. The panel is established by the United States Department of Labor pursuant to 29 CFR § 56.70 and is located in Washington, D.C.

(11) "Petitioner" means any person in interest who petitions the commissioner for review of a decision of the appeal tribunal.

(12) "Registrant" means an AFDC applicant or recipient who has registered with the WIN sponsor for manpower and related social services, including training and employment.

(13) "WIN" means the work incentive program established under Title IV-A of the federal Social Security Act and mandatory for all nonexempt AFDC recipients. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-010, filed 8/14/78; Order 4-72, § 192-10-010, filed 11/6/72.]

WAC 192-10-015 Computation of time. Unless otherwise provided, in computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-015, filed 8/14/78.]

WAC 192-10-020 Purpose and scope. (1) This chapter sets forth the rules of practice applicable to appeal tribunal hearings and commissioner's review proceedings relating to certain disputes arising under the WIN program in the state of Washington. In the event that the rules in this chapter conflict with any federal law or regulation relating to the WIN program, the federal law or regulation shall control. Such disputes involve (a) the refusal or failure on the part of a registrant to accept employment or to participate in the WIN program without good cause, (b) the refusal or failure to appear for appraisal, (c) disputed assignments to a WIN component, and (d) unresolved WIN grievances.

(2) After reasonable attempts have been made at the local level to resolve disputes arising from work, or training assignment under WIN, the designated activity may be accepted without prejudicing the individual's right to protest such assignment. Such protest shall be handled by appeal tribunal hearing and commissioner's review in the same manner as if the registrant had, in fact, refused to participate in the WIN program. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-020, filed 8/14/78; Order 4-72, § 192-10-020, filed 11/6/72.]

WAC 192-10-030 Hearings--Requests--Time limitations. Any registrant who disagrees with a determination proposing to terminate him or her from the WIN program or who disagrees with a departmental decision involving assignments to a WIN component or has an unresolved grievance may, within ten calendar days after the mailing of the notice of proposed deregistration or other action, request a hearing with the appeal tribunal. The request for a hearing may be made either orally or in writing by the individual or his authorized representative to the WIN sponsor. If the request is mailed, it shall be deemed filed on the postmark date if it is properly addressed and has sufficient postage affixed. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-030, filed 8/14/78; Order 4-72, § 192-10-030, filed 11/6/72.]

WAC 192-10-050 Hearings--Preparation and service. Where the request is oral the department shall prepare required forms on behalf of the individual and obtain the individual's signature on the forms. In all cases the local office shall forward to the chief appeals examiner of the appeal tribunal the appellant's case records and request for hearing before the close of the next business day after receipt of the request. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-050, filed 8/14/78; Order 4-72, § 192-10-050, filed 11/6/72.]

WAC 192-10-060 Hearings--Notice requirements. Within ten days after receipt of the formal request for hearing by the department a notice of hearing and a copy of the rules of practice shall be mailed to the appellant and any other person in interest at their last known address. The notice shall state the date, time and place of hearing and the issues to be heard. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-060, filed 8/14/78; Order 4-72, § 192-10-060, filed 11/6/72.]

WAC 192-10-070 Hearings--Scheduling--Location. All hearings contemplated by this chapter shall be scheduled no earlier than ten days or later than thirty days following the mailing of the notice of hearing. The appeal tribunal may at its discretion approve a request for rescheduling a hearing. All hearings will be scheduled between the hours of 8:00 a.m. and 5:00 p.m., Mondays through Fridays (state holidays excepted), at

any reasonable location in the area wherein the appellant resides or any other mutually convenient location. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-070, filed 8/14/78; Order 4-72, § 192-10-070, filed 11/6/72.]

WAC 192-10-080 Parties and presentation of the case. The hearing shall be conducted by an appeal examiner. The registrant or his representative, and the designated WIN sponsor and DSHS shall be afforded the opportunity to present, examine, and cross-examine witnesses. A member of the WIN staff or its legal representative shall have primary responsibility for presenting the case to the appeals examiner. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-080, filed 8/14/78; Order 4-72, § 192-10-080, filed 11/6/72.]

WAC 192-10-090 Duties of the examiner. The hearing shall be conducted with full regard to the requirements of due process of law to assure a fair and impartial hearing. The appeals examiner shall:

- (1) Administer oaths and affirmations;
- (2) Issue subpoenas as hereinafter authorized;
- (3) Rule on offers of proof and receive relevant evidence;
- (4) Regulate the course of the hearing and the order of presentation of evidence; and
- (5) Take any other action necessary to insure an orderly hearing, including disqualification of a representative for improper conduct at the hearing. He may participate in eliciting testimony from the witnesses, but shall not act as an advocate for any party, and shall, if feasible, resolve the dispute by conciliation at any time prior to the conclusion of the hearing. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-090, filed 8/14/78; Order 4-72, § 192-10-090, filed 11/6/72.]

WAC 192-10-110 Recording of testimony. The testimony at the hearing shall be recorded. It shall be transcribed only as needed or when the appeal tribunal's decision is to be reviewed by the National Review Panel. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-110, filed 8/14/78; Order 4-72, § 192-10-110, filed 11/6/72.]

WAC 192-10-120 Access to records. The case record, or any portion thereof, shall be available for inspection and copying by any person in interest at, prior, or subsequent to the hearing upon said person's request. Special procedures may be used for disclosure of medical and psychological records such as disclosure to a physician designated by the individual. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-120, filed 8/14/78; Order 4-72, § 192-10-120, filed 11/6/72.]

WAC 192-10-260 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-10-265 Decision of appeals examiner. The appeals examiner may rule:

(1) That the individual has failed to appear for appraisal without good cause or has failed or refused to participate without good cause, and that appropriate de-registration shall be initiated;

(2) That good cause has been shown for failure or refusal to participate and the individual should be retained in the program;

(3) That the request for a hearing is dismissed because:

(a) It was filed untimely without good cause;

(b) It has been withdrawn in writing;

(c) The individual failed to appear at the hearing without good cause; or

(d) Reasonable cause exists to believe that the request has been abandoned or that repeated requests for re-scheduling are arbitrary and for the purpose of unduly delaying or avoiding a hearing, in which case DSHS may initiate necessary action to impose appropriate sanctions;

(4) That the individual was appropriately or inappropriately assigned; or

(5) Render such other rulings as are appropriate to the issues in question. However, an appeals examiner shall not consider the validity or constitutionality of these regulations, federal regulations, or Title IV of the Social Security Act. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-265, filed 8/14/78.]

WAC 192-10-270 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-10-280 Decisions--Preparation and service. On the basis of the record compiled at the hearing, the hearings examiner shall, within ten working days following the hearing, mail a written decision stating his findings and conclusions. Copies of the decision shall be served by certified mail on the applicant, the department, and all other persons in interest. Instructions for petitioning for commissioner's review of an adverse decision shall be attached to the appellant's copy. The case record shall be returned to the department. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-280, filed 8/14/78; Order 4-72, § 192-10-280, filed 11/6/72.]

WAC 192-10-300 Petition for review by the commissioner. Any party disagreeing with the decision of the appeal tribunal, may petition the commissioner in writing for review of said decision within ten days after the mailing of the appeal tribunal's written decision. In all cases, whether or not he is the petitioner, the registrant shall be furnished with the rules governing the commissioner's review along with notification of the receipt of the petition for such review. A petition for review shall not stay implementation of the decision. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-300, filed 8/14/78; Order 4-72, § 192-10-300, filed 11/6/72.]

WAC 192-10-310 Commissioner's review procedure.

(1) The commissioner shall consider and render a decision on a written petition for review which is filed within ten days after the mailing of the written appeal tribunal decision. The petition need not be in any particular form but should specify the decision to which the petitioner takes exception and the date on which the decision was received. The petition shall be signed by the petitioner or his duly authorized representative. The petition shall be deemed timely filed if it is received by the commissioner or by any local office of the department within the prescribed ten day time period. If the petition is mailed, it shall be deemed filed on the postmark date if the petition is properly addressed and has sufficient postage affixed thereto.

(2) Within thirty days after receipt of the petition for review, the commissioner shall prepare a written decision either affirming or reversing the appeal tribunal decision. The commissioner may also remand the case to the tribunal for further development of the evidence. The commissioner's decision shall be based solely upon his review of the hearing record and upon any additional evidence submitted to the tribunal in connection with the commissioner's review of the case. The decision shall state the findings and the reasons for the conclusions reached therein.

(3) Copies of the commissioner's decision shall be served by certified mail on the registrant and other persons in interest. Instructions for appealing an adverse decision to the National Review Panel and the conditions under which the panel will consider an appeal shall be attached to the registrant's copy of the decision.

(4) The commissioner may, in petitions involving novel questions of law or policy, certify the case within five days after his decision to the National Review Panel for review and decision.

(5) If a hearings examiner's adverse decision is reversed on appellate review, the individual shall be paid such retroactive WIN and welfare benefits as may be applicable and, where appropriate, shall be reinstated in the program. [Statutory Authority: RCW 74.22.110 and 74.23.120. 78-09-027 (Order 1-78), § 192-10-310, filed 8/14/78; Order 4-72, § 192-10-310, filed 11/6/72.]

Chapter 192-12 WAC SUBSTANTIVE RULES

WAC

192-12-030	Reports required of persons or entities for whom personal services are performed.
192-12-035	Registration of political subdivisions and instrumentalities thereof.
192-12-050	Records.
192-12-070	Cash value of certain remunerations.
192-12-115	Bonding and deposit requirements, nonprofit organizations.
192-12-120	Repealed.
192-12-150	Payment of benefits to partially unemployed persons and stand-by workers.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-12-120 Secrecy of information. [Order 2-73, § 192-12-120, filed 11/15/73; Regulation 11, adopted 6/10/53, effective 6/20/53.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.12.010.

WAC 192-12-030 Reports required of persons or entities for whom personal services are performed. RCW 50.12.070 provides:

" * * * The commissioner may require from any employing unit any sworn or unsworn reports with respect to persons employed by it, which he deems necessary for the effective administration of this act. Each employer shall make periodic reports at such intervals as the commissioner may by regulation prescribe, setting forth the remuneration paid for employment to workers in its employ, the names of all such workers and such other information as the commissioner may by regulation prescribe."

RCW 50.20.150 provides:

"The applicant for initial determination, his most recent employing unit as stated by the applicant, and any other interested party which the commissioner by regulation prescribes, shall, if not previously notified within the same continuous period of unemployment, be given notice promptly in writing that an application for initial determination has been filed and such notice shall contain the reasons given by the applicant for his last separation from work. If during the benefit year, the applicant becomes unemployed after having accepted subsequent work, and files a claim for waiting period credit or benefits, a similar notice shall be given promptly to his then most recent employing unit as stated by him, or to any other interested party which the commissioner by regulation prescribes."

RCW 50.32.020 provides:

"The applicant or claimant, his most recent employing unit or any interested party which the commissioner by regulation prescribes, may file an appeal from any determination or redetermination with the appeal tribunal within ten days after the date of notification or mailing, whichever is earlier, of such determination or redetermination to his last known address: * * *"

RCW 50.12.010 provides:

"It shall be the duty of the commissioner to administer this act. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, * * * as he deems necessary or suitable to that end. * * *"

The commissioner accordingly prescribes:

(1) **Employer's status report.** Every person or entity which has or subsequent to January 1, 1936, had one or more individuals performing services for it in the state of Washington shall have on file with the commissioner immediately after the effective date of this regulation an employer's status report in accordance with the form therefor furnished by the commissioner.

(2) **Contribution and wage reports:**

(a) **Contribution report.** Each employer shall not later than the last day of the month following the expiration of any calendar quarter file with the commissioner, on

forms which the commissioner shall furnish, a report with respect to such quarter setting forth the wages paid for employment to individuals in his employ. Calendar quarters shall be deemed to end March 31, June 30, September 30 and December 31 respectively of each year.

(b) **Wage report.** Each employer shall not later than the last day of the month following the expiration of such calendar quarter file with the commissioner, on forms which the commissioner shall furnish, a report with respect to such calendar quarter setting forth the wages paid during such calendar quarter for employment to individuals in his employ, the number of hours worked by each individual, the names of such individuals and their social security account numbers. Exceptions to the foregoing provisions 2(a) and (b) relative to the time and manner of reporting shall be allowed only after application has been made requesting exceptions and the application has been approved by the commissioner.

(c) **Termination of business.** Each employer who ceases business or for any reason causes his account to be closed by the department shall immediately file:

(i) A contribution report with respect to the current calendar quarter which report shall cover contributions due to the date such account is closed;

(ii) A quarterly wage report with respect to the current calendar quarter as provided in section (2)(b) of this regulation which report shall include all wages paid to the date such account is closed.

(d) **Reports for maritime service.**

(i) **Maritime contribution reports.** Contribution reports with respect to wages, including advances, allotments, slops, and payment in kind, such as board and lodging, earned in any pay period shall be submitted as of the calendar quarter in which any such wages in cash were actually paid or such wages in kind were furnished, except that any of such items which are unknown to the reporting office will be considered paid in the calendar quarter in which the voyage is terminated.

(ii) **Maritime wage reports.** Individual wage detail reports on wages falling within the purview of this regulation need not be filed prior to the time when reports regarding wages paid at the termination of such period must be filed; except, however, supplemental quarterly wage detail reports shall be filed whenever wages involved were actually paid in a previous calendar quarter. Such supplemental report shall be filed along with the related contribution report.

(iii) **Maritime special reports.** The employer shall, upon request of the commissioner, promptly furnish a statement of the wages of a seaman, whenever such statement is necessary in order to determine such seaman's eligibility for and rate of benefits. Such statements shall be prepared and submitted in such a manner as the commissioner may in each case prescribe.

(3) **Report of circumstances of applicant's separation from employment.** Whenever an individual files an application for an initial determination or thereafter lapses his reporting at the local office and later renews such reporting following intervening employment, a notice of such filing or renewal shall be mailed to the applicant's

most recent employing unit as stated by the applicant. Any employing unit receiving such a notice and having knowledge of any factors which might render the applicant ineligible for waiting period credit or benefits shall report such factors to the employment security department at the address indicated on the notice within ten days of the date of mailing of such notice. The absence of the receipt of the employing unit's report within the ten day period shall be deemed to justify allowances to the applicant of waiting period credit and the payment of benefits, provided the applicant is in all respects eligible.

In the event that information reported by an employing unit, in response to either of the notices required herein, is claimed by the employing unit to require disqualification from allowance of waiting period credit or payment of benefits, a determination of benefit rights will be made and a copy of such determination mailed to the employing unit.

(4) **Low earnings report.** When requested to do so by an authorized representative of the commissioner any person or entity for whom personal services are performed by individuals working less than full time during a "week" as defined in WAC 192-12-020 with resulting loss of earnings, to wit: Less than the maximum weekly benefit amount established by law, shall thereafter file with the nearest employment office, upon forms furnished by the commissioner, a report of low earnings with respect to such individuals for all weeks designated in the request.

(5) **Labor dispute report.** When any person or entity for whom personal services are performed has substantially curtailed or stopped operation by reason of a labor dispute or should such person or entity have reason to believe that such substantial curtailment or stoppage is due to a labor dispute, it shall advise the nearest employment office in writing of the date of the commencement of such substantial curtailment or stoppage of operations and upon the demand of the commissioner shall furnish, upon forms furnished by the commissioner, a report setting out the conditions under which such substantial curtailment or stoppage of operations occurred, together with the names, social security account numbers and job classifications of the individuals involved. Changes in the condition under which the labor dispute arose or in the status of any such individuals, occurring during the course of the dispute, shall be reported in the same manner.

Subsequent to the termination of the labor dispute, such person or entity shall advise the nearest employment service office in writing of the date of the termination of the labor dispute.

(6) **Vacation reports.** Each employer temporarily ceasing or substantially curtailing operations in order to allow a vacation period for individuals in its employ pursuant to an employment contract shall seven days prior to cessation or substantial curtailment of operations file with the nearest employment office a report giving the date of commencement and duration of the vacation period and shall further, upon the demand of

the commissioner, furnish a report setting forth (a) the name of each individual ceasing work by reason of such cessation or curtailment of operations; (b) his social security account number; (c) the amount of wages or remuneration, if any, paid or payable to each individual for the vacation period; and (d) the identity of such individuals who have been or will be granted vacations during some other period.

(7) **Report form instructions.** All instructions contained on any report form issued by the employment security department shall have the same force and effect as if such instructions had been incorporated into and made a part of this regulation. [Statutory Authority: RCW 50.12.010, 78-09-027 (Order 1-78), § 192-12-030, filed 8/14/78; Order 2602, § 192-12-030, filed 4/24/70; Regulation 3, filed 12/1/65, effective 1/1/66; Regulation 3, adopted 5/31/55, effective 7/3/55.]

Reviser's Note: RCW 50.12.070, 50.20.150, and 50.12.010 as quoted in this section, do not accurately reflect the current version of those sections.

WAC 192-12-035 Registration of political subdivisions and instrumentalities thereof. RCW 50.44.030 requires any political subdivision or instrumentality of one or more political subdivisions of this state or one or more political subdivisions of this state and any other state, to file a written registration with the commissioner before December 15, 1977. The commissioner accordingly prescribes:

(1) Such registration, in accordance with the form therefor furnished by the commissioner, shall specify the manner in which the unit of government will finance the payment of benefits.

(2) If written registration is not received by December 15, 1977, the unit of government will automatically be assigned the method provided in RCW 50.44.035 (local government tax) or the method provided in chapters 50-.24 and 50.29 RCW (payment of contributions), as is appropriate for that unit of government.

(3) Units of government created after January 1, 1978, will have thirty days from the date of inception to submit written registration with the commissioner, if not submitted within thirty days the unit of government will automatically be assigned a manner of financing benefits as provided in subsection (2) of this section.

(4) The commissioner for good cause may extend the time limits for registration provided in subsections (2) and (3) of this section. [Statutory Authority: RCW 50-.12.010, 78-09-027 (Order 1-78), § 192-12-035, filed 8/14/78.]

WAC 192-12-050 Records. RCW 50.12.070 provides: "Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe . . ."

RCW 50.12.010 provides: "The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end."

The commissioner accordingly prescribes:

(1) Each person or entity shall preserve existing records with respect to personal services performed for it on and after January 1, 1936. On and after the effective date of this regulation, each such person or entity shall establish and maintain records with respect to each individual performing services for it, which records shall show the following: (a) The name of each such individual; (b) his social security account number; (c) the days and weeks during which each such individual performed services for said person or entity; (d) hours spent in employment and in nonsubject work with respect to any pay period; (e) the amount of wages or remuneration paid or payable to such individual on account of such services, said amounts to be segregated in such records into cash payment and payments in media other than cash; (f) the location at which such services were performed; (g) the date upon which each such individual was engaged or reengaged to perform services or returned to work after a temporary layoff; (h) the date when any individual's name was removed from the payroll; (i) in the case of any individual whose separation from work was due to discharge, the cause of such discharge, or if his work was terminated by quit, the cause of such quit if known to such person or entity; and (j) in the case of a farm operator contracting with a crew leader, the name of the crew leader, the inclusive dates of the contract, the types of services performed, and the number of persons performing such services.

(2) Records relating to services performed in employment shall be maintained and preserved for not less than four years subsequent to the date contributions have been paid in respect thereto. Records relating to services not performed in employment shall be preserved and maintained for not less than four years subsequent to the calendar year in which the remuneration for such services was paid. [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.]

WAC 192-12-070 Cash value of certain remunerations. (1) RCW 50.04.320 provides:

". . . The reasonable cash value of compensation paid in any medium other than cash and the reasonable value of gratuities shall be estimated and determined in accordance with rules prescribed by the commissioner."

(2) The commissioner accordingly prescribes:

Compensation for personal services paid in kind or in any medium other than cash shall, for all purposes under the act, be given its actual cash value to the worker, and such value shall be used in computing contributions due under the law. If any contract of hire shall fix the value of such items, the value so fixed shall be taken as the actual value thereof. If the actual cash value of any item of compensation is not readily determinable, it shall be fixed by the commissioner. In the latter case, until a specific determination is made by the commissioner, board and lodging furnished in addition to, or in lieu of money wages shall be deemed to have not less than the following values:

Full board and room, weekly \$40.00
Meals, per meal \$ 1.00

Lodging, per week \$10.00

[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.]

WAC 192-12-115 Bonding and deposit requirements, nonprofit organizations. RCW 50.44.070 provides:

"In the discretion of the commissioner, any nonprofit organization that elects to become liable for payments in lieu of contributions shall be required . . . to execute and file with the commissioner a surety bond approved by the commissioner or it may elect instead to deposit with the commissioner money or securities. . . .

"The amount of the bond or deposit . . . shall be an amount deemed by the commissioner to be sufficient to cover any reimbursement payments which may be required from the employer attributable to employment during any year for which the election is in effect . . . The determination made pursuant to this subsection shall be based on payroll information, employment experience, and such other factors as the commissioner deems pertinent."

The commissioner accordingly prescribes:

(1) The amount of bond or deposit shall be determined by reviewing and computing taxable wages paid during the previous four quarters. Taxable wages will be determined on the basis of the coming years taxable wage base. The net annual taxable wage so developed multiplied by current tax rate will produce the amount of bond or deposit necessary for the coming calendar year.

The amount of bond requirement may be rounded in accordance with the following scale:

Computed Bond Requirement	May Be Rounded Down To
Up to \$500	Even \$5 segment
\$501 to 5000	Even \$25 segment
\$5001 to \$50,000	Even \$100 segment
OVER \$50,000	Even \$1000 segment

(2) In the event an organization did not pay wages during the prior four consecutive quarters, then an estimated payroll based on the best information available will be used for the computation described in subsection (1) of this section.

(3) Bond or deposit requirements will be reviewed and recomputed annually during the fourth quarter of each calendar year for adequacy. The employer will be notified of any necessary change in amount of bond or deposit as prescribed in RCW 50.44.070(2) and (3).

(4) The following categories of nonprofit organizations are exempt from the bonding and deposit requirement: Hospitals, colleges and universities. [Statutory Authority: RCW 50.12.010. 78-09-027 (Order 1-78), § 192-12-115, filed 8/14/78.]

WAC 192-12-120 Repealed. See Disposition Table at beginning of this chapter.

WAC 192-12-150 Payment of benefits to partially unemployed persons and stand-by workers. RCW 50.20.130 provides: ". . . Each eligible individual who is unemployed in any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less seventy-five percent of that part of the remuneration (if any) payable to him with respect to such week which is in excess of five dollars. . . ."

RCW 50.20.010 provides: "An unemployed individual shall be eligible to receive waiting period credit or benefits with respect to any week only if the commissioner finds that

"(1) he has registered for work at, and thereafter has continued to report at, an employment office in accordance with such regulation as the commissioner may prescribe, except that the commissioner may by regulation waive or alter either or both of the requirements of this subdivision as to individuals attached to regular jobs and as to such other types of cases or situations with respect to which he finds that the compliance with such requirements would be oppressive, or would be inconsistent with the purposes of this title; . . ."

RCW 50.04.310 provides: "An individual shall be deemed to be 'unemployed' in any week during which he performs no services and with respect to which no remuneration is payable to him, or in any week of less than full-time work, if the remuneration payable to him with respect to such week is less than his weekly benefit amount. The commissioner shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to such types of unemployment as the commissioner deems necessary."

RCW 50.12.010 provides: "The commissioner shall administer this title. He shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he deems necessary or suitable to that end. . . ."

The commissioner accordingly prescribes:

(1) Definitions.

(a) The term "employer" as used in this regulation shall mean any person or entity for whom personal services are performed for wages.

(b) A partially unemployed individual is one who during a particular week earned some remuneration but less than his weekly benefit amount, was employed by his regular employer and worked less than his normal customary full hours for such regular employer because of lack of full-time work.

(c) With respect to a partially unemployed individual whose remuneration is paid on a calendar week basis, a week of partial unemployment shall consist of the calendar week.

(d) With respect to partially unemployed individuals whose pay periods do not coincide with calendar weeks, remuneration earned during such pay periods may, if not allocated by the employer, be allocated by a representative of the commissioner directly from the employer's payroll records or from certified earnings reports from the employer to each calendar week during which such remuneration was earned.

(e) A "stand-by" worker is an individual who is totally unemployed, but who expects to resume work with his regular employer within a reasonable time and whose best interests and those of his regular employer are served, in the judgment of the commissioner, by his remaining in readiness to resume such work.

(2) Employer responsibility in the initiation of first claim for partial benefits in a new spell of partial unemployment.

(a) Immediately after the termination of any week beginning a new spell of partial unemployment in which an employer has furnished any individual in his employ less than such individuals' customary full time hours of work and earnings of less than the maximum weekly benefit amount established by law, or, if weekly benefit amount is known, earnings less than such weekly benefit amount, such employer shall either

(i) Advise the worker that he may be entitled to partial benefits by handing him a weekly low earnings report or a substitute device for presentation at an employment office, or

(ii) Notify the local employment office nearest the establishment and await and abide by the instructions of that office concerning the taking of claims.

(3) Weekly low earnings report or substitute devices. After the employer has given notice to individuals in his employment and/or the employment office, as required above, he shall, throughout the continuance of the spell of partial unemployment, after the termination of each pay period within such spell, issue to each affected individual a weekly low earnings report showing the actual earnings of each such individual for each week of partial unemployment occurring within such pay period or shall furnish such individual with a payroll by-product. Such weekly low earnings reports or payroll by-products shall be issued by the employer not more than thirty days after the end of the week of partial unemployment to which they pertain. The payroll by-product must show in ink or typewriting:

(a) The name and official unemployment compensation code number of the employer;

(b) The name and social security account number of the individual in employment;

(c) The beginning or ending date of such week;

(d) The amount of remuneration earned in such week;

(e) The following certification: "I certify that the above amount represents reduced earnings in a week of less than full-time work because of lack of work."

(f) A signature (actual or facsimile) by the employer to the above certification, or other positive identification of the authority supplying the evidence.

In the event the local employment office furnishes a representative at the employer's establishment for the purpose of taking the claims and obtaining from the employer verification of earnings and affirmative evidence that all available work with such employer was taken by each claimant, no such low earnings report or substitute thereof shall be required.

Utilization of the payroll by-product is permissible only in the event the pay period for partial unemployment coincides with the calendar week.

(4) **Registration and filing of claims for partial unemployment.** An individual attached to a regular job may file a claim with respect to any calendar week during the next succeeding four calendar weeks following the receipt from the employer of information as to his earnings in any such week: *Provided*, That if the commissioner finds that the failure of any individual to file a claim for partial unemployment benefits within such four weeks was due to failure on the part of the employer to comply with any of the provisions of subsection (b) and (c) above of this regulation, or to coercion or to intimidation exercised by the employer to prevent the prompt filing of such claim, or to failure by the employment security department to discharge its responsibilities promptly in connection with such partial unemployment, the commissioner shall extend the period during which such claim may be filed to a date which shall be not less than one week after the individual has received appropriate notice of his potential rights to benefits and his earnings during the period of such partial unemployment.

A partially unemployed applicant for benefits who is attached to a regular job shall not be required to register for work in any week with respect to which he is partially unemployed, and prior registration shall not be a condition precedent to the filing of a claim for benefits for partial unemployment. Registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable.

(5) **Registration and filing of claims by "Stand-by" workers.** The commissioner may waive the requirement of registration for work by a "stand-by" worker during the first four weeks of such worker's unemployment, and in such event prior registration shall not be a condition precedent to filing a claim for benefits for such four weeks. Such worker shall, however, during any calendar week for which benefits are claimed report in person, and in the next succeeding period of two calendar weeks shall make a certification with respect to the week for which benefits are claimed: *Provided*, That registration for work, initial applications, and claims for waiting period credit and benefits may be filed by mail on forms furnished by the employment security department, and given the same effect as though filed in person at an established employment security office whenever, in the judgment of the commissioner, the personal reporting of such claimant is or becomes impracticable; and *Provided further*, That whenever failure to comply with this regulation is for reasons which, in the judgment of the commissioner, constitute good cause, the commissioner may make such exceptions to this regulation as he deems necessary.

Whether or not any claimant shall be determined by the commissioner to be in a "stand-by" status shall depend upon the length of the prospective period of unemployment, the availability of other suitable work, the

temporary or permanent nature of the new prospective employment, the effect upon the employer and the worker of acceptance of new employment, the nature of the contract to be entered into by the worker in prospective new employment, and such other factors as the commissioner deems pertinent.

(6) **Employer records in connection with partial unemployment.** Each employer shall maintain its payroll records in such form that it will be possible from an inspection thereof by the employment security department to determine with respect to each individual in its employ who may be eligible for partial benefits: (a) Remuneration earned, by weeks, in such manner as to make possible and practical the allocating to calendar weeks of remuneration earned if the pay period does not coincide with calendar weeks; (b) Whether any week was in fact a week of less than full-time work; and (c) Time lost, if any, by each such worker, due to his unavailability for work. [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.]

Reviser's Note: RCW 50.20.010 and 50.04.310 as quoted in this section, do not accurately reflect the current version of those sections.

Chapter 192-14 WAC PUBLIC DISCLOSURE

WAC

192-14-010 through 192-14-150 Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

- 192-14-010 Purpose. [Order 2-73, § 192-14-010, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-010.
- 192-14-020 Definitions. [Order 2-73, § 192-14-020, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-020.
- 192-14-030 Description of central and field organization of employment security department. [Order 2-73, § 192-14-030, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-030.
- 192-14-040 Operations and procedures. [Order 2-73, § 192-14-040, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-050 Public records available. [Order 2-73, § 192-14-050, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-060 Public records officer. [Order 2-73, § 192-14-060, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-070 Office hours. [Order 2-73, § 192-14-070, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030,

- 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-120.
- 192-14-080 Requests for public records. [Order 2-73, § 192-14-080, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-090 Copying. [Order 2-73, § 192-14-090, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-120.
- 192-14-100 Exemptions. [Order 2-73, § 192-14-100, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-110 Review of denials of public records requests. [Order 2-73, § 192-14-110, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-120 Protection of public records. [Order 2-73, § 192-14-120, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see chapter 192-15 WAC.
- 192-14-130 Records index. [Order 2-73, § 192-14-130, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-150.
- 192-14-140 Responsible addressee. [Order 2-73, § 192-14-140, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-160.
- 192-14-150 Forms. [Order 2-73, § 192-14-150, filed 11/15/73.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.13.030, 74.22.110 and 74.23.120. Later promulgation, see WAC 192-15-170.

- 192-15-150 Records index.
192-15-160 Responsible addressee.
192-15-170 Forms.

WAC 192-15-010 Purpose. The purpose of this chapter is to insure compliance by the employment security department with the provisions of RCW 42.17-.250 through 42.17.320 concerning disclosure of public records, and to interpret and implement the provisions of chapter 50.13 RCW concerning the privacy and confidentiality of information or records held by the employment security department. [Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-010, filed 8/14/78.]

WAC 192-15-020 Definitions. (1) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(2) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents. [Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-020, filed 8/14/78.]

WAC 192-15-030 Description of central and field organization of employment security department. (1) The employment security department is a public service agency. The administrative office of the employment security department and its staff are located at 212 Maple Park, Olympia, Washington 98504.

(2) The employment security department is headed by a commissioner appointed by the governor. Under the commissioner are an executive assistant, three deputy commissioners, and a limited number of special staff that report directly to him. There are also assistant attorneys general assigned to the department who provide legal services in all agency matters.

(a) Under the executive assistant to the commissioner are the public information office, the veterans services office, the legislative liaison, and the labor liaison.

(b) Under the deputy commissioner for field services are the personnel section, the reviewing officers, the monitor advocate, and the community organizations liaison.

(c) Under the deputy commissioner for resources and programs are employment and training (CETA), staff development, employment services, and unemployment insurance.

(d) Under the deputy commissioner for support services are the office of management and budget and the office of general administration.

(3) Job service centers and tax offices are located throughout the state and are headed by a manager. [Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-030, filed 8/14/78.]

WAC 192-14-010 through 192-14-150 Repealed.
See Disposition Table at beginning of this chapter.

Chapter 192-15 WAC

PUBLIC DISCLOSURE AND PRIVACY OF INFORMATION

- WAC
- 192-15-010 Purpose.
192-15-020 Definitions.
192-15-030 Description of central and field organization of employment security department.
192-15-040 Procedures for obtaining public records—Designation of departmental employees responsible for public records.
192-15-050 Commissioner's review of denials of public records requests.
192-15-060 Access to individual or employing unit records or information by government agencies—RCW 50.13.060.
192-15-070 Response to subpoenas—RCW 50.13.070.
192-15-080 Access to public records for operation and management purposes—RCW 50.13.080.
192-15-090 Consent to release of records or information—RCW 50.13.100.
192-15-100 Disclosure related to employment security programs.
192-15-110 Public records available.
192-15-120 Office hours.
192-15-130 Copying.
192-15-140 Protection of public records.

WAC 192-15-040 Procedures for obtaining public records--Designation of departmental employees responsible for public records. (1) The public records of the employment security department shall be in the custody of the administrator, office of general administration, who will be responsible for implementing departmental regulations regarding the release of public records and for insuring compliance by departmental employees with chapters 50.13 and 42.17 RCW and chapter 192-15 WAC.

(2) The department shall appoint a responsible employee or employees in each job service center and tax office to handle requests for public records. In the central office, the records officer, and such agents as he appoints, shall handle such requests.

(a) The responsible departmental employees shall familiarize themselves with chapters 50.13 and 42.17 RCW, and chapter 192-15 WAC.

(b) All identifiable requests for public records shall be referred to these employees, except in cases of subpoenas which shall be handled as specified by WAC 192-15-070.

(3) Requests for public records may be made orally, except in the case of governmental agency requests for individual or employing unit records under RCW 50.13-.060 which shall be handled as specified by WAC 192-15-060.

(a) If the responsible departmental employee is reasonably satisfied that the public record may be released under the provisions of chapters 42.17 and 50.13 RCW and these regulations, he may release it or provide access to the individual requesting it. If the employee is not satisfied that the requested information should be released, he shall refuse access to the public record.

(b) The departmental employee may consult with the department's records officer, or his agents, and/or any assistant attorney general for the department if he is unsure whether the public record should be released.

(4) Anyone refused access to public records held by the department who feels this refusal was improper may complete a request for public records form provided by the department at one of its offices.

(a) This form shall be published by the department's records officer and shall include a space for description of the records requested and for specification of reasons why the refusal of access was improper.

(b) The responsible departmental employee shall send the completed form to the department's records officer for consideration of the refusal.

(i) If the records officer, or his agents, decides that the public records may be disclosed under chapters 50.13 and 42.17 RCW and these regulations, he shall send the requested records to the appropriate departmental office or advise the date and place where the records will be available.

(ii) If the records officer, or his agents, decides that the public record cannot be disclosed or can only be partly disclosed under chapters 50.13 or 42.17 RCW and these regulations, he shall prepare a statement briefly explaining the reason that the record cannot be disclosed, including a statement of the specific statute

prohibiting disclosure and an explanation of how the statute applies to the withheld record. This statement shall be forwarded to the proper job service center or tax office or to the person or agency requesting the records.

(iii) The records officer, or his agents, shall act as promptly as circumstances allow.

(5) In the event that the responsible departmental employee refuses access to records or information requested pursuant to RCW 50.13.050(1), the request form shall be sent to the appeal tribunal for handling by the examiner who is to hear the case in question. The examiner shall authorize the disclosure of the information or records if he deems them material to the proceeding. If the examiner does not deem the information or records material, he shall notify the interested party that they will not be disclosed and include an explanation of his action in his decision in the proceeding. After the decision of the appeal examiner and within the time limit provided in RCW 50.32.070, the interested party may petition the commissioner for a new hearing or the reopening of a hearing if the refusal to disclose was improper and prejudiced the presentation of the party's case. This procedure for review by the commissioner shall be in lieu of the procedure provided in WAC 192-15-050. [Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-040, filed 8/14/78.]

WAC 192-15-050 Commissioner's review of denials of public records requests. (1) Any person who objects to the written denial of a request for a public record may petition for prompt review of such decision by tendering a written request for review to the records officer, or other staff member denying the request. The written request shall specifically refer to the written statement by the records officer, or other staff member, which constituted or accompanied the written denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the records officer, or other staff member denying the request, shall refer it to the commissioner of the employment security department. The commissioner shall immediately consider the matter and either affirm or reverse such written denial. In any case, the request shall be returned with a final decision, within two business days following the original written denial.

(3) Administrative remedies shall not be considered exhausted until the employment security department has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first. [Statutory Authority: RCW 50.13.030, 78-09-027 (Order 1-78), § 192-15-050, filed 8/14/78.]

WAC 192-15-060 Access to individual or employing unit records or information by government agencies--RCW 50.13.060. (1) Applications by government agencies for information or records deemed private and confidential by chapter 50.13 RCW shall be made to the responsible departmental employees specified in WAC 192-15-040. The applications shall be in writing on forms provided by the department.

(a) If the departmental employee is reasonably satisfied that the application meets the requirements of RCW 50.13.060, the government agency may have access to the information or records.

(b) If the departmental employee is not reasonably satisfied that the application meets the requirements of RCW 50.13.060 and refuses access, the agency may attach its application to the form specified by WAC 192-15-040(4) and obtain review of the refusal in the manner outlined in WAC 192-15-040 and 192-15-050.

(2) In the event of a refusal by a responsible departmental employee to release records or information under RCW 50.13.060(3), the government agency can immediately contact the commissioner for appeal.

(3) RCW 50.13.060(5) shall be interpreted to permit establishment of routine procedures for detection of fraud by claimants under the various social programs administered by government agencies. This statute permits access only to information needed to identify individuals improperly claiming under different programs. Further investigation of employment security department files concerning these individuals may be accomplished only if the normal requirements of RCW 50.13.060 are met.

(4) The term "other official of the agency" as used in RCW 50.13.060(1)(b) means an employee who has substantial responsibility for the operation of the requesting agency or for one or more of its programs or administrative units. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-060, filed 8/14/78.]

WAC 192-15-070 Response to subpoenas--RCW 50.13.070. An employee called to testify in a judicial or administrative proceeding shall not disclose information or records deemed private and confidential under chapter 50.13 RCW, unless the presiding officer makes a finding that the need for the disclosure outweighs any reasons for the privacy and confidentiality of the records or information, or unless the employee is responding to a subpoena containing such a finding.

An employee receiving a subpoena should notify one of the responsible departmental employees who has been designated to handle requests for public records pursuant to WAC 192-15-040. This latter employee should make arrangements for the appropriate response to the subpoena, including attendance of the proper employee before the tribunal. The departmental employee may contact the records officer for guidance. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-070, filed 8/14/78.]

WAC 192-15-080 Access to public records for operation and management purposes--RCW 50.13.080. RCW 50.13.080 shall be interpreted to permit incidental access to private or confidential information and records by private parties who are assisting the department in such areas as data processing and collection of employment security contributions. These parties are bound by the rules of confidentiality and privacy applicable to departmental employees and their activities will be monitored by the department to insure that private and

confidential information or records are being handled correctly. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-080, filed 8/14/78.]

WAC 192-15-090 Consent to release of records or information--RCW 50.13.100. RCW 50.13.100, concerning consent to release of information or records deemed private and confidential, shall be liberally interpreted so that the department may release information or records to third parties who have been able to supply the department with reasonable written or oral assurances of their identity and that they are acting with the approval of the individual or employing unit whose records are involved. In cases where a certain record contains information about more than one individual or employing unit, all individuals or employing units concerned must give their consent before a record may be released or disclosed to other than the individuals or employing units. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-090, filed 8/14/78.]

WAC 192-15-100 Disclosure related to employment security programs. Chapter 50.13 RCW shall not be interpreted to prevent the employment security department from:

(1) Disclosing information in carrying out the department's duties under Title 50 RCW or under any other program for which the department is responsible; or

(2) Disclosing information to the employment security agencies of other states when such disclosure relates to the administration of the employment security law of the requesting state; or

(3) Disclosing information to the Internal Revenue Service when such disclosure relates to the Federal Unemployment Tax Act. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-100 (codified as WAC 192-15-100), filed 8/14/78.]

WAC 192-15-110 Public records available. All public records of the employment security department, as defined in WAC 192-15-020 shall be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-110, filed 8/14/78.]

WAC 192-15-120 Office hours. Public records shall be available for inspection and copying during the customary office hours of the employment security department. For the purposes of this chapter, the customary office hours shall be from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Monday through Friday, excluding legal holidays. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-120, filed 8/14/78.]

WAC 192-15-130 Copying. No fee shall be charged for the inspection of public records. The employment security department shall charge an established amount per page of copy for providing copies of public records and for use of the employment security department copy

equipment. This charge is the amount necessary to reimburse the employment security department for its actual costs incident to such copying. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-130, filed 8/14/78.]

WAC 192-15-140 Protection of public records. When a public record is turned over for inspection or copying, a place will be provided so that adequate surveillance may be made to prevent damage, disorganization, and loss of such records. At no time shall the original record be transported from one area to another without a member of the agency staff being present. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-140, filed 8/14/78.]

WAC 192-15-150 Records index. (1) The employment security department has available to all persons a current index which provides identifying information as to the following records:

(a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) Those statements of policy and interpretations of policy, statute and the regulations which have been adopted by the agency;

(c) Administrative staff manuals and instructions to staff that affect a member of the public;

(d) Planning policies and goals, and interim and final planning decisions;

(e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index promulgated by the employment security department shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-150, filed 8/14/78.]

WAC 192-15-160 Responsible addressee. All communications with the employment security department including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules; requests for copies of the employment security department's decisions and other matters, shall be addressed as follows: Employment Security Department, Attention: Administrator, Office of General Administration, Olympia, Washington 98504. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-160, filed 8/14/78.]

WAC 192-15-170 Forms. The employment security department will provide forms for use by all persons requesting inspection and/or copying or copies of its records. [Statutory Authority: RCW 50.13.030. 78-09-027 (Order 1-78), § 192-15-170, filed 8/14/78.]

Chapter 192-16 WAC

INTERPRETATIVE REGULATIONS OF THE COMMISSIONER OF THE EMPLOYMENT SECURITY DEPARTMENT

WAC

192-16-001	Interpretative regulations—Employer reports—Effect of omitting information—Limitation.
192-16-002	Interpretative regulations—Employer reports—Further defining hours worked—RCW 50.12.070.
192-16-003	Repealed.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-16-003	Interpretative regulations—Effect of repeal of RCW 50.20.030—Pregnancy disqualification. [Order 4-75, § 192-16-003, filed 8/29/75, effective 10/6/75.] Repealed by 78-09-027 (Order 1-78), filed 8/14/78. Statutory Authority: RCW 50.12.010.
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WAC 192-16-001 Interpretative regulations—Employer reports—Effect of omitting information—Limitation. RCW 50.12.070 generally requires employers to maintain accurate employment records and file required reports. Due to the failure on the part of certain employers to accurately report the number of weeks worked on their quarterly detail reports the processing of benefit claims has been hampered. In view of the requirements of federal law that unemployment insurance claims be promptly paid the department felt it necessary to have available to it a method of establishing and computing entitlement, at least on an interim basis, in an expeditious though necessarily arbitrary manner. The amendatory section was submitted with this remedy in mind.

The section is to be applied in the computation and establishment of initial claims filed on and after the week commencing June 29, 1975. If an employer reports -0- weeks on the form it will be deemed a completed report and the entitlement will be computed on that basis. If the employer leaves the "weeks worked" box blank, the computation called for in the act will be applied in establishing the individual's right to benefits as set forth in the initial determination issued pursuant to RCW 50.20.140.

All employers are required to report the number of hours worked by each worker beginning July 1, 1977. If an employer reports -0- hours on the quarterly wage report form, EMS 5208, it will be deemed a completed report and the entitlement will be computed on that basis. If the employer leaves the "hours worked" column blank the computation called for in the act will be applied in establishing the individual's right to benefits as set forth in the initial determination issued pursuant to RCW 50.20.140.

The mathematical computation made by the department in accordance with this section will not be subject

to employer appeal; however, the subsequent submittal of accurate and complete reports may result in a redetermination by the department. Benefits paid prior to the redetermination which are based on the arbitrary computation will be charged to each employer's account as though the initial determination were accurate even though subsequent redetermination based on accurate information would result in the issuance of a determination that the claim was invalid.

The amount paid to any claimant on the basis of the initial determination issued in accordance with the arbitrary computation procedure will not be established as an overpayment in the absence of fraud, misrepresentation or nondisclosure on the part of the claimant (RCW 50.20.160(1)); however, the department will not continue to pay benefits to a claimant once a redetermination of nonentitlement, based on accurate information on a complete wage detail report, has been issued. It was not the intention of the department in submitting the legislation, nor do we believe it was the intention of the legislature in adopting the legislation, to establish an exception to the qualification criteria, RCW 50.04.030, which would allow the continued payment of unemployment insurance benefits to individuals clearly not meeting the basic qualification criteria. It would be an unsound policy to dispense public funds in the guise of a penalty against an employer who has failed to comply with the provisions of the law when in fact it is the unemployment insurance fund which suffers the detriment and only the unqualified individual who is benefited. [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.]

WAC 192-16-002 Interpretative regulations--Employer reports--Further defining hours worked--RCW 50.12.070. RCW 50.12.070 requires employers to report "the hours worked by each worker and such other information as the commissioner may by regulation prescribe," beginning July 1, 1977. In order to further define what hours should be included on quarterly wage reports, the commissioner accordingly prescribes as follows:

(1) Vacation pay. The employee will be credited for the actual number of hours on leave with pay. Vacations without pay will not count as hours worked. Cash payments in lieu of vacations will not be counted as hours worked.

(2) Sick leave pay. Hours will not be reported for sick pay excluded under the provisions of RCW 50.04.330(1). However, sick pay which is not excluded under the provisions of RCW 50.04.330(1) shall be reported as leave with pay and the number of hours reported accordingly.

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

(4) Employees on salary. If a salaried employee works irregular nonstandard weeks, he or she shall be reported

for the actual number of hours worked. In the absence of reliable time figures, a full-time salaried employee will be reported for 40 hours worked for each week in which any of his or her duties are performed.

(5) Commissioned employees. Employees compensated by commission will be reported for the actual number of hours worked. In the absence of reliable time figures, a full-time commissioned employee will be reported for 40 hours worked for each week in which any of his or her duties are performed.

(6) Wages in lieu of notice. Employees paid wages in lieu of notice will be reported for the actual number of hours compensated thereby.

(7) Severance pay. Since the payment is predicated on past services, no additional hours are to be reported for severance pay. Severance pay is compensation for the separation from the employment itself as distinguished from wages in lieu of notice which compensates the employee for the amount of wages or salary he or she would have earned during the specified notice period.

(8) Payments in kind. The actual number of hours worked (or reasonable estimate thereof) for performing services which are compensated only by payment in kind shall be reported.

(9) Bonuses, tips and other gratuities. If such compensation is received during the course of performing regular compensated services for which hours are reported, no additional hours shall be reported for items in these categories. However, if the sole compensation for services performed are from any of these items, hours shall be reported.

(10) 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 off to the next higher number. [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.]

WAC 192-16-003 Repealed. See Disposition Table at beginning of this chapter.

Title 194 WAC

WASHINGTON STATE ENERGY OFFICE

Chapters

194-14 Emergency Petroleum Allocation Act rules.

Chapter 194-14 WAC

EMERGENCY PETROLEUM ALLOCATION ACT RULES

WAC

194-14-030	Definitions.
194-14-040	Applications for set-aside assignments—Form.
194-14-060	State set-aside assignments.
194-14-080	Repealed.
194-14-120	Permanent assignments—Criteria—Agricultural and passenger transportation services end-users.