

(1) The primary transplant surgeon must be certified by the American Board of Thoracic Surgery or its equivalent.

(2) Training and experience during the applicant's cardiothoracic residency:

(a) The individual performed as primary surgeon twenty or more heart or heart-lung transplant procedures (application should be supported by operative notes) during his/her cardiothoracic fellowship.

(b) The individual has been involved in all levels of heart transplantation and patient care including donor selection, organ procurement, recipient selection, post-operative hemodynamic care, post-operative immunosuppressive therapy, and outpatient follow-up.

(c) The individual has a letter from the director of the training program verifying that the fellow has met the above requirements and that the fellow is qualified to direct a cardiac transplant program.

(d) The above training was at a medical center with a cardiothoracic training program that is approved by the American Board of Thoracic Surgery or, in the case of foreign training, by the UNOS Membership and Professional Standards Committee.

(3) When the training and experience requirements for the transplant surgeon have not been met during one's cardiothoracic residency, they can be met during a subsequent twelve-month cardiac transplant fellowship if all the following conditions are met:

(a) The fellow performed as primary surgeon twenty or more heart or heart-lung transplant procedures (application must be supported by operative notes) during his/her cardiac transplant fellowship.

(b) The fellow has been involved in all levels of heart transplantation and patient care including donor selection, organ procurement, recipient selection, post-operative hemodynamic care, post-operative immunosuppressive therapy, and outpatient follow-up.

(c) The fellow has a letter from the director of the training program verifying that the fellow has met the above requirements, and that the fellow is qualified to direct a cardiac transplant program.

(d) The above training was at a medical center with a cardiothoracic training program that is approved by the American Board of Thoracic Surgery and/or the UNOS Membership and Professional Standards Committee, or in the case of a foreign transplant center, one that has been reviewed by UNOS to assure that the program's overall training experience is acceptable.

(4) If the transplant surgeon requirements have not been met, as outlined above, in a cardiothoracic residency or heart transplant fellowship, they can be met by experience if the following conditions are met:

(a) The surgeon performed as primary surgeon, over a minimum of two or a maximum of three years, twenty or more heart or heart-lung transplant procedures at a UNOS member heart transplant program or its foreign equivalent (application should be supported by operative notes; transplants performed during board qualifying surgical residency do not count).

(b) The surgeon has been involved in all levels of heart transplantation and patient care including donor

selection, organ procurement, recipient selection, post-operative hemodynamic care, post-operative immunosuppressive therapy, and outpatient follow-up.

(c) The surgeon has a letter from the director of this UNOS transplant program verifying that the surgeon has met the above requirements, and is qualified to direct a cardiac transplant program.

(5) The primary transplant physician must have one year of formal training in transplantation medicine in a program that meets UNOS membership criteria. Training must have followed the residency or fellowship for the appropriate board certification. Training must include preoperative and post-operative patient care for an optimum of fifteen or more and a minimum of seven heart and/or heart-lung transplants.

(6) In lieu of the above, the primary transplant physician must have a minimum of two years of experience in transplantation medicine in a program that meets UNOS membership criteria. Experience must include patient care responsibility during the preoperative and post-operative period for an optimum of thirty or more and a minimum of fourteen heart and/or heart-lung transplants.

[Statutory Authority: Chapter 41.05 RCW. 91-17-043, § 182-18-160, filed 8/20/91, effective 9/20/91.]

Title 192 WAC EMPLOYMENT SECURITY DEPARTMENT

Chapters

192-12

Substantive rules.

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Chapter 192-12 WAC SUBSTANTIVE RULES

WAC

192-12-300

Mailing addresses for notice to employer.

192-12-305

Claimant responsibility for providing accurate employer address.

192-12-310

Notice to employer.

192-12-320

Mailing of determination notices.

192-12-330

Predetermination procedure—Separation issue.

192-12-380

Definitions relating to RCW 50.04.140.

WAC 192-12-300 Mailing addresses for notice to employer. Notices to employers mailed as required in RCW 50.20.150 and WAC 192-12-310 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the mailing address of record of the employer provided by the employer for tax purposes.

(3) The notice to any other employer from whom the claimant has a potentially disqualifying separation

(without sufficient subsequent employment to purge a separation disqualification) will be mailed to the address provided by the claimant.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 91-19-007, § 192-12-300, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-300, filed 10/4/89, effective 10/9/89.]

WAC 192-12-305 Claimant responsibility for providing accurate employer address. (1) If the notice to employer (WAC 192-12-310) is mailed to an address provided by the claimant (WAC 192-12-300 (1) & (3)) and is returned by the post office as undeliverable, the claimant will be determined to have failed to provide details of separation of employment, unless:

(a) The mail returned by the post office indicates the employer has moved and left no forwarding address, or

(b) The claimant can establish that the address provided was an accurate address at the time the claimant last worked for the employer.

(2) No payment will be made to a claimant found to have failed to provide details of separation from employment pursuant to subsection (1) unless the claimant is a continued claim recipient as defined in WAC 192-12-011, in which case payments will be made conditionally pursuant to WAC 192-12-012.

(3) A claimant who has failed to provide details of separation from employment pursuant to subsection (1) may be subject to disqualification pursuant to WAC 192-23-051 if the claimant does not respond to a request to provide an accurate employer address.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 91-19-007, § 192-12-305, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-305, filed 10/4/89, effective 10/9/89.]

WAC 192-12-310 Notice to employer. (1) At the time of filing any new claim (the filing of an application for initial determination) a notice will be mailed to:

(a) The claimant's last employer, and

(b) Any prior employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification)

(2) The notice in subsection (1) above will provide the employer with information provided to the department by the claimant and request that the employer provide information to the department if the separation was for reasons of other than lack of work.

(3) At the time of filing any new claim (the filing of an application for initial determination) that results in the establishment of a benefit year a notice will be mailed to all base year employers. This notice to base year employers will include information on wages reported and benefit charging related information and will request employer response if wage information is incorrect or if the employer wishes to request relief of benefit charging.

(4) At the time of filing an additional claim for benefits (reopening a claim after subsequent employment) a notice will be mailed to the last employer reported by the claimant and to any prior employer from who the

claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) and who has not previously been notified.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 91-19-007, § 192-12-310, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-310, filed 10/4/89, effective 10/9/89.]

WAC 192-12-320 Mailing of determination notices. RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.

(1) The claimant will be mailed a notice of determination

(a) That denies the claimant benefits, or

(b) That allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(3) Any employer from whom the claimant has a potentially disqualifying separation (without sufficient subsequent employment to purge a separation disqualification) will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(4) A determination of eligibility will be made and a notice mailed to any employer since the beginning of the claimant's base year who provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.

(5) A determination of eligibility [for] benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 91-19-007, § 192-12-320, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-320, filed 10/4/89, effective 10/9/89.]

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

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

(3) If the department receives information from the employer after the end of the ten day response period, but before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the job service center where the claim was filed.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a determination, the

department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

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

[Statutory Authority: RCW 50.12.010 and 50.12.040, 91-19-007, § 192-12-330, filed 9/6/91, effective 9/8/91; 89-20-064 (Order 4-89), § 192-12-330, filed 10/4/89, effective 10/9/89.]

WAC 192-12-380 Definitions relating to RCW 50.04.140. For the purposes of RCW 50.04.140:

(1) "Principal place of business from which the service is performed" shall be the physical location of the business from which the contract of service is directed and controlled.

(2) "Within a reasonable period" for establishing an account with state agencies shall be the time prior to the first date on which the individual begins performance of service toward the contract or the date upon which the individual is required to establish an account with a state agency, as otherwise required by law, whichever event shall last occur.

[Statutory Authority: RCW 50.12.010 and 50.12.040, 91-24-056, § 192-12-380, filed 11/27/91, effective 1/1/92.]

Chapter 192-32 WAC

TIMBER RETRAINING BENEFITS AND RELATED PROGRAMS

WAC

192-32-001	Scope of chapter.
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192-32-015	Interpretive rule—Effective date of section 4, chapter 315, Laws of 1991.
192-32-025	Post training benefits.
192-32-035	Residence or employment in targeted county at time of last separation from employment.
192-32-040	Employment in the forest products industry.
192-32-045	Unlikely to return to employment.
192-32-050	Training related benefits payable only to workers enrolled in approved training.
192-32-055	Timeliness of training program submission and commencement.
192-32-065	Training program application requirements.
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192-32-085	Full-time enrollment.
192-32-095	Satisfactory progress.
192-32-105	Interstate claims.
192-32-115	Out-of-state training.

WAC 192-32-001 Scope of chapter. This chapter is intended to govern the implementation of employment security department responsibilities relating to the implementation of chapter 314, Laws of 1991, and chapter 315, Laws of 1991. This includes the operation of programs authorized by the acts and the determination of timber impact areas required by the acts.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4, 91-20-012, § 192-32-001, filed 9/20/91, effective 10/21/91.]

WAC 192-32-010 Definitions. For the purpose of this chapter:

(1) "Actual job loss" means the absolute loss of jobs in SIC codes 24 as compared to the previous year as calculated by the department.

(2) "Actual or projected job loss" means the greater of actual job loss or projected job loss. The value of actual or projected job loss is that value released by the commissioner and filed for publication in the state register.

(3) "Annual unemployment rate" means the total unemployment rate calculated according to the method defined by the U.S. Department of Labor, Bureau of Labor Statistics. The information is considered available when released to the public by the commissioner of the employment security department. The value of the annual unemployment rate is that value released by the commissioner and filed for publication in the state register.

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

(5) "Department" means the employment security department.

(6) "Labor market" means the area in which workers of specific occupation customarily have found work. Labor market is based on the worker's place of residence and occupation.

(7) "Lumber and wood products location quotient" is determined by dividing the percentage of the average covered employment in lumber and wood products (SIC code 24) in the county by the percentage of the average covered employment in lumber and wood products (SIC code 24) statewide. The information is considered available when released by the commissioner. The value of the location quotient is the value released by the commissioner and filed for publication in the state register.

(8) "Projected job loss" means the estimated job loss in SIC codes 24 in the current year, compared to the previous year, as calculated by the department from information provided by the department of natural resources.

(9) "Targeted county" means a county selected by the criteria of subsection (2), section 4, chapter 315, Laws of 1991.

(10) "Timber retraining benefits," abbreviated TRB, means the unemployment insurance additional benefits authorized by section 4, chapter 315, Laws of 1991.

(11) "Wages" means wages earned in employment as defined in chapter 50.04 RCW. This means that only wages in covered employment can be considered in determining if a worker has earned wages in employment in the forest products industry.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4, 91-20-012, § 192-32-010, filed 9/20/91, effective 10/21/91.]

WAC 192-32-015 Interpretive rule—Effective date of section 4, chapter 315, Laws of 1991. (1) The first week for which timber retraining benefits will be payable will be the week beginning Sunday, July 21, 1991.

(2) Any exhaustee whose benefit year ends after July 21, 1991 may be considered as potentially eligible for timber retraining benefits if the other provisions of section 4, chapter 315, Laws of 1991 are met.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-015, filed 9/20/91, effective 10/21/91.]

WAC 192-32-025 Post training benefits. Section 4 (3)(b) of chapter 315, Laws of 1991 authorizes the payment of timber retraining benefits during the five week period following completion of training. These benefits do not serve to increase the total amount of training related benefits payable, but are included in the maximum amount payable calculated by subtracting regular and extended benefits from 52 times the worker's weekly benefit amount.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-025, filed 9/20/91, effective 10/21/91.]

WAC 192-32-035 Residence or employment in targeted county at time of last separation from employment.

(1) A worker who has met the county of residence or county of last employment requirements at the time of filing an initial claim will be considered to have met those requirements until a new benefit year is established, regardless of subsequent employment or relocation to another county.

(2) A worker who has met the county of residence or county of last employment requirements at the time of filing an initial claim will be considered to have met those requirements until a new benefit year is established, even if the county ceases to be a targeted county.

(3) A worker who has not met the county of residence or county of last employment requirements at the time of filing a new claim, may meet those requirements at the time of filing an additional claim (reopened claim after subsequent employment) for benefits if, at that time, the worker worked or lived in a targeted county at time of last separation from employment.

(4) A worker who performs services in more than one county will be considered to have worked in a targeted county if any bona fide work is performed in a targeted county.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-035, filed 9/20/91, effective 10/21/91.]

WAC 192-32-040 Employment in the forest products industry. "Earned wages in the forest products industry" means earned wages in employment in the forest products industry.

(1) Employment reported in the following SIC codes is considered to be employment in the forest products industry:

- 24 Lumber and wood products, except furniture
- 26 Paper and allied products
- 08 Forestry
- 2861 Gum and wood chemicals
- 3553 Woodworking machinery
- 3554 Paper industry machinery

(2) Employment reported in the following SIC codes may be employment in the forest products industry. The specific nature of the business of the employer may be reviewed to determine whether it represents employment in the forest products industry:

- 2823 Cellulistic manmade fibers (rayon, etc.)
- 3425 Saw blades and handsaws
- 3531 Construction machinery and equipment (trucks, off-highway; chippers; draglines; log splitters; logging equipment)
- 3711 Motor vehicles and passenger car bodies (tractors, trucks: for highway use)
- 4212 Local trucking without storage (log trucking, trucking timber)
- 4449 Water transportation of freight, NEC (log rafting and towing)
- 4491 Marine cargo handling

(3) Other employment may be considered to be employment in the forest products industry if it involves:

- (a) The planting and/or cultivation of trees for eventual harvest for lumber or paper manufacturing;
- (b) The harvest of logs for lumber or pulp production;
- (c) Hauling logs;
- (d) Hauling lumber or paper products from point of manufacture;
- (e) Scaling logs;
- (f) Repair of logging trucks or equipment; or,
- (g) Manufacture of wood processing or logging equipment,
- (h) Distribution of wood processing or logging equipment
- (i) Other activities clearly involved in the forest products industry.

(4) Examples of employment in the forest products industry that may be performed for businesses not primarily involved in the forest products industry include:

- (a) Cutting or hauling timber as part of right-of-way clearing for a highway or building construction project;
- (b) Driving wood chip truck for a general transportation company;
- (c) Manufacturing forest products material handling equipment—such as log stackers—for a firm involved in general heavy equipment manufacturing;
- (d) Sales of logging equipment at a used equipment dealer.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-040, filed 9/20/91, effective 10/21/91.]

WAC 192-32-045 Unlikely to return to employment.

(1) For the purposes of paying timber retraining benefits, a worker will have met the unlikely to return to work requirement of subsection (4)(b)(ii) of section 4, chapter 315, Laws of 1991, if the tests in subsections (2) and (3) of this section are met.

- (2) He or she has
 - (a) Become unemployed due to a permanent plant closure;
 - (b) Received a federal WARN act notice; or
 - (c) Received a notice of indefinite layoff as a result of a permanent reduction of operations at the worker's place of employment;
- (3) His or her skills are in diminishing demand in his or her principal occupation or previous industry.

(4) A worker will not be considered unlikely to return to work if he or she:

- (a) Is on standby from the principal employer;
- (b) Has a definite date of recall with the principal employer within six months; or
- (c) Is unemployed due to a regular seasonal layoff.

(5) A worker who has been determined to be a dislocated worker by the local JTPA authority will be considered to have met the requirements of subsections (2) and (3).

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-045, filed 9/20/91, effective 10/21/91.]

WAC 192-32-050 Training related benefits payable only to workers enrolled in approved training. No individual will be eligible to receive timber retraining benefits unless enrolled in and making satisfactory progress in an approved training program. Workers will be considered to be enrolled in training if:

- (1) Preregistered for classes or on a waiting list; and
- (2) Have a commitment from the educational institution for a starting date of training; and
- (3) The starting date is not more than one regular school quarter or term, or equivalent period of time away.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-050, filed 9/20/91, effective 10/21/91.]

WAC 192-32-055 Timeliness of training program submission and commencement. (1) The 60 day training plan submission requirement will be counted from the filing of new or additional claim for unemployment insurance benefits. This means if a worker who is eligible for TRB returns to work, and subsequently becomes involuntarily unemployed, the 60 day period is counted from the most recent claim reopening, even if the period had expired after the original filing of the new claim.

(2) The 90 day training program commencement requirement will be counted from last separation from employment at the time of the filing of new or additional claim for unemployment insurance benefits, whichever is latest. This means if a worker who is eligible for TRB returns to work, and subsequently becomes involuntarily unemployed, the 90 day period is counted from the most recent separation from employment, even if the period has expired after the new claim.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-055, filed 9/20/91, effective 10/21/91.]

WAC 192-32-065 Training program application requirements. Required elements for a training program submission include:

- (1) Name and Social Security account number of applicant;
- (2) Name of educational institution;
- (3) Address of education institution;
- (4) Department of educational institution, if applicable;
- (5) Name of training program;
- (6) Description of training program, including remedial requirements if necessary;

- (7) Duration of training program;
- (8) Occupation(s) trained for;
- (9) Beginning enrollment date or place on waiting list and expected enrollment date;
- (10) Release of information form authorizing education institution to release grades, attendance, and other measures of program progress to the department; and
- (11) Signature of applicant.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-065, filed 9/20/91, effective 10/21/91.]

WAC 192-32-075 Occupation in demand outside labor market. A training program may be approved in an occupation not in demand in the local labor market if:

- (1) The occupation is in demand in another labor market; and,
- (2) The worker is willing and able to relocate to that labor market upon completion of training.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-075, filed 9/20/91, effective 10/21/91.]

WAC 192-32-085 Full-time enrollment. The educational institution providing the training will determine whether the worker is enrolled in training on a full-time basis.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-085, filed 9/20/91, effective 10/21/91.]

WAC 192-32-095 Satisfactory progress. A worker will be determined to be making satisfactory progress in a training program if the educational institution certifies to the department that the worker is making satisfactory progress.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-095, filed 9/20/91, effective 10/21/91.]

WAC 192-32-105 Interstate claims. The additional benefit period for targeted counties applies only to counties within the state of Washington. Individuals filing interstate claims (with Washington as the liable state) may qualify for timber retraining benefits based on employment in the forest products industry.

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-105, filed 9/20/91, effective 10/21/91.]

WAC 192-32-115 Out-of-state training. Training programs may be approved at educational institutions outside the state of Washington equivalent to those described in RCW 28B.10.016 and 28C.04.410(3).

[Statutory Authority: RCW 50.12.010, 50.12.040 and 1991 c 315 § 4. 91-20-012, § 192-32-115, filed 9/20/91, effective 10/21/91.]

Title 194 WAC ENERGY OFFICE

**Chapter
194-20 Energy efficiency services account.**