Chapter 192-270 WAC
TRAINING BENEFITS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

192-270-015 Dislocated workers—Unlikely to return to employment—RCW 50.22.155 (2)(a) and 50.04.075. [Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-015, filed 6/8/10, effective 7/9/10. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-015, filed 5/16/01, effective 6/16/01.] Repealed by 12-09-025, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12).

192-270-018 Members of the Washington National Guard—RCW 50.22.155 (2)(b)(iii). [Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-018, filed 6/8/10, effective 7/9/10.] Repealed by 12-09-025, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12).

192-270-020 Employment in the aerospace industry. [Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150 (10). 01-11-085, § 192-270-020, filed 5/16/01, effective 6/16/01.] Repealed by 09-20-095, filed 10/7/09, effective 11/7/09. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010.

192-270-025 Employment in the forest products industry. [Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150 (10). 01-11-085, § 192-270-025, filed 5/16/01, effective 6/16/01.] Repealed by 09-20-095, filed 10/7/09, effective 11/7/09. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010.

192-270-030 Employment in the fishing industry. [Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-030, filed 5/16/01, effective 6/16/01.] Repealed by 09-20-095, filed 10/7/09, effective 11/7/09. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010.

WAC 192-270-005 Definitions. The definitions below apply to this chapter and RCW 50.22.155:

(1) "Labor market" means the geographic area in which workers in your particular occupation or with your particular skill sets have customarily found work. For the purpose of determining whether you are a dislocated worker, "labor market" is based on your place of residence at the time you separated from employment.

(2) "Skill sets" means the work-related knowledge and abilities needed to produce a particular product or provide a particular service.

(3) "Training benefits" means the additional benefits paid under RCW 50.22.155 to eligible workers enrolled in and making satisfactory progress in a training program approved by the commissioner.

(4) For purposes of RCW 50.22.155 (2)(a)(ii)(A) relating to low income workers, the term "total wages" means wages in employment covered under Title 50 RCW or comparable federal or state laws.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-005, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 09-20-095, § 192-270-005, filed 10/7/09, effective 11/7/09. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-005, filed 5/16/01, effective 6/16/01.]

WAC 192-270-010 Employment separations for dislocated workers—RCW 50.22.155. To be eligible for training benefits as a dislocated worker, you must have been separated from your employer due to a permanent reduction in operations at your place of employment or for a reason that does not disqualify you from benefits. Training benefits are not available if you left work voluntarily without good cause, or if you are disqualified from benefits for work-related misconduct under RCW 50.20.066, and have not requalified for benefits.

When deciding whether your separation from employment makes you eligible for training benefits, the department will look at the last job you held for a period of at least seven weeks in employment covered by Title 50 RCW or comparable federal or state laws.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-010, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-010, filed 6/8/10, effective 7/9/10. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-010, filed 5/16/01, effective 6/16/01.]

WAC 192-270-017 Military veterans—RCW 50.22.155 (2)(a)(ii)(B). (1) The term "during the twelve-month period" means you served in the United States military or Washington National Guard at any point during the twelve-month period prior to application date.

(2) The term "application date" means the date on which you filed an initial application for unemployment benefits.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-017, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-017, filed 6/8/10, effective 7/9/10.]

WAC 192-270-019 Disabled individuals—RCW 50.22.155 (2)(a)(ii)(D). (1) For purposes of this section:

(a) "Injury" means a trauma to the integrity or function of a tissue or organ and the resulting physical conditions;

(b) "Illness" means a condition marked by an obvious deviation from the normal healthy state, characterized by sickness, disease, or other disorder. Alcohol abuse, drug abuse, antisocial behavior, or criminal history alone, or your

commitment to a treatment facility, is insufficient by itself to show "illness" within the meaning of this section.

(2) Verification of your injury or illness may, at the department's discretion, require verification from a physician.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-019, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-019, filed 6/8/10, effective 7/9/10.]

WAC 192-270-035 Time frames. (1) Information about training benefits will be included in the claimant information booklet mailed to you at the time you file your application for unemployment benefits (see WAC 192-120-010). For purposes of subsections (2) and (3) of this section, the claimant information booklet is considered your notification of the eligibility requirements for the training benefits program.

(2) Submitting a training plan.

Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), you have ninety calendar days to submit a training plan to the department for approval, beginning on the date you are notified by the department about the eligibility requirements for training benefits. For new claims, the deadline will be ninety-five calendar days from the date your application for benefits is filed, which represents ninety days plus five days for the booklet to reach you by mail.

(3) Enrollment in training.

Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), you must be enrolled in training within one hundred twenty calendar days, beginning on the date you are notified about the eligibility requirements for training benefits. For new claims, the deadline will be one hundred twenty-five calendar days from the date your application for benefits is filed, which represents one hundred twenty days plus five days for the booklet to reach you by mail.

(4) If you are a dislocated worker eligible under RCW 50.22.155 (2)(a)(i), you must submit a training plan and enroll in training prior to the end of your benefit year.

(5) Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), these time frames may be waived for good cause. For purposes of this section, "good cause" includes but is not limited to situations where:

(a) You were employer attached, including being on standby or partially unemployed, when you filed your claim for unemployment benefits but your attachment to your employer subsequently ended;

(b) You acted or failed to act on authoritative advice directly from department or partner staff upon which a reasonable person would normally rely;

(c) You were incapacitated due to illness or injury or other factors of similar gravity; or

(d) Other factors which would effectively prevent a reasonably prudent person, as defined in WAC 192-100-010, facing similar circumstances, from meeting the time frames established under this section.

(6) If you return to work, and subsequently become unemployed, the time frames described in subsections (2) and (3) begin with the date you file your additional claim for benefits.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-035, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 09-20-095, § 192-270-035, filed 10/7/09, effective 11/7/09. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-035, filed 5/16/01, effective 6/16/01.]

WAC 192-270-040 Enrollment in training. (1) To receive training benefits, you must be enrolled in an approved training program. Unless you are a dislocated worker eligible under RCW 50.22.155 (2)(a)(i), or a disabled individual as provided in RCW 50.22.155 (2)(c), you must be enrolled on a full-time basis as determined by the educational institution.

(2) Prior to approval of your training plan, you must:

(a) Be preregistered for classes; and

(b) Have a starting date of training that is not more than one quarter or term away.

(3) You are considered enrolled in training upon approval of your training plan.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-040, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-040, filed 5/16/01, effective 6/16/01.]

WAC 192-270-045 Requirements for applying for training benefits. The following information must be included in your application for training benefits:

(1) Your name and either your Social Security account number or the claimant identification number assigned to you by the department;

(2) The name of the educational institution;

(3) The address of the educational institution;

(4) The department of the educational institution, if applicable;

(5) The name of the training program;

(6) A description of the training program, including remedial requirements if necessary;

(7) The date your training program is expected to start;

(8) The duration of the training program, including the dates you plan to begin and complete training;

(9) Your employment history for the previous three years;

(10) Your plan for completion of the training if training benefits will run out prior to the completion of your plan;

(11) The occupation(s) trained for;

(12) A verification of your registration provided by the educational institution;

(13) A release of information form authorizing the educational institution to release grades, attendance, and other measures of program progress to the department; and

(14) Your signature.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-045, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-045, filed 5/16/01, effective 6/16/01.]

WAC 192-270-047 Incomplete applications. An application that is incomplete may be returned to you for completion. If the application is not returned to you for completion, the department will contact you to obtain the information needed to complete the application. The filing of an incomplete application does not extend the time frames under

WAC 192-270-035 for filing a completed application for training benefits.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-047, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-047, filed 6/8/10, effective 7/9/10.]

WAC 192-270-050 Criteria for approving training plans. (1) The department will consider the following factors when reviewing your application for training benefits:

(a) Whether you have a current benefit year as required by RCW 50.22.010(9);

(b) Your plan for completion of the training;

(c) For each of the following categories of workers:

(i) **Dislocated workers under RCW 50.22.155 (2)(a)(i):** Whether suitable employment is available in the labor market in which you currently reside and whether the training is likely to enhance your marketable skills and earning power, based on an assessment of what your earning power would be if training were not provided. If you were originally determined to be a dislocated worker, but moved from the area where your skills were declining to an area where your skills are in demand, you are not eligible for training benefits.

(ii) **Low income workers under RCW 50.22.155 (2)(a)(ii)(A):** Whether vocational training is likely to enhance your earning potential. This consists of training for a career in a high demand occupation that will help you obtain and maintain stable, quality employment.

(iii) **Military veterans, current members of the Washington National Guard, and disabled individuals under RCW 50.22.155 (2)(a)(ii)(B), (C), and (D):** Whether training is needed to assist you in finding suitable work in your labor market.

(d) Whether the training relates to a high demand occupation;

(e) Whether the training is likely to enhance your marketable skills and earning power, based on an assessment of what your employment prospects would be if training were not approved; and

(f) Whether the educational institution and training program meet the performance criteria established by the workforce training and education coordinating board.

(2) Academic training will not be approved during the first two years of a degree program. Academic training may be approved during subsequent academic years if it meets the criteria of subsection (1) and it meets specific requirements for certification, licensing, or for specific skills necessary for the occupation.

(3) The department may approve educational training that has been identified as necessary by the training facility as a prerequisite to a vocational training program that meets the criteria in subsection (1) of this section.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-050, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 10-13-038, § 192-270-050, filed 6/8/10, effective 7/9/10. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-050, filed 5/16/01, effective 6/16/01.]

WAC 192-270-055 Funding—Waiting lists. (1) This section does not apply to dislocated workers eligible under RCW 50.22.155 (2)(a)(i). Approval of training for these individuals is not contingent upon the availability of funding.

(2) For all other claimants eligible for training benefits under RCW 50.22.155, payment is contingent upon the availability of funding. Training will not be approved under RCW 50.22.155 unless funds are available to support your training plan.

(3) The amount of funds obligated will be the amount necessary to complete your training plan or the maximum amount authorized by RCW 50.22.155 (2)(g)(i), whichever is less.

(4) If you have been denied training benefits due to lack of funds, the department will consider whether you are eligible for commissioner approved training under WAC 192-200-020.

(5) Funds will be obligated to otherwise eligible workers on a first-come, first-served basis, determined by the date the completed training application is received by the department.

(6) Once all available funds have been obligated, individuals who have been denied training benefits due solely to the lack of funds will be placed on a waiting list. Priority on the waiting list will be determined by the date the claimant's completed training application was received by the department. As additional funds become available, this date will be used when obligating funds to claimants on the waiting list. In the event two or more claimants on the waiting list have the same date, priority will be given to that person who is closest to exhausting regular unemployment benefits.

(7) An individual's name may be removed from the waiting list, upon written notice, when the department determines it is appropriate. Examples include, but are not limited to:

(a) Written correspondence to the claimant from the department is returned by the U.S. postal service for lack of a current address, and the claimant has not filed a change of address with the department;

(b) The claimant fails to respond to written correspondence from the department by the date indicated in the correspondence;

(c) The claimant is not enrolled in or making satisfactory progress in full-time training; or

(d) Except as provided in RCW 50.22.155 (2)(g)(iv), implementation of the approved training program would result in benefits being paid more than two years beyond the end of the claimant's benefit year.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-055, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-055, filed 5/16/01, effective 6/16/01.]

WAC 192-270-060 Occupation in high demand outside labor market. A training plan may be approved in an occupation not in demand in your local labor market if:

(1) The occupation is in high demand in another labor market; and

(2) You are willing and able to relocate to that labor market when the training is completed; and

(3) There is not a current demand for workers with your present skills in that labor market. The demand for workers in that labor market must be at wages comparable to those paid in your current labor market, based on any differences in the cost of living between the two areas.

[Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-060, filed 5/16/01, effective 6/16/01.]

WAC 192-270-065 Certification of satisfactory progress. (1) In order to continue your eligibility for training benefits, the certification that you are making satisfactory progress in training must be signed by the registrar or an equivalent person designated by your educational institution. Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), and disabled individuals as provided in RCW 50.22.155 (2)(c), training must be full-time as determined by the educational institution.

(2) Except as provided in subsection (3), for training benefits purposes the term "satisfactory progress" means:

(a) Your grade point average does not fall below 2.0 for two consecutive terms;

(b) You maintain a grade point average sufficient to graduate from, or receive certification in, your approved area of study; and

(c) You are completing sufficient credit hours to finish your approved course of study within the time frame established under your approved training plan.

(3) In the case of self-paced or ungraded learning programs, "satisfactory progress" means participating in classes and passing certification examinations within the time frame established under your approved training plan.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-065, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-065, filed 5/16/01, effective 6/16/01.]

WAC 192-270-070 Modifying a training plan. (1) You must notify the department prior to making a significant modification to your approved training plan. A significant modification is one that impacts any of the approval criteria listed in WAC 192-270-050 and includes, but is not limited to, changes in:

(a) Your course of study or major;

(b) The educational institution;

(c) The projected start or end dates for the training; or

(d) Your enrolled credit hours.

(2) The department must determine your continued eligibility for training benefits any time you make a significant modification to your training plan, using the criteria listed in WAC 192-270-050 (1)(b)-(g). Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), approval of a modification that increases the projected cost of the training is subject to the availability of funding. The department will conditionally pay benefits on a modified training plan until the modification is approved or denied.

(3) In general, you may make a significant modification to your plan one time. Subsequent modifications will not be approved except in unusual individual circumstances. However, this restriction does not apply while you are enrolled in educational courses that are a prerequisite to vocational training.

(4) Except for dislocated workers eligible under RCW 50.22.155 (2)(a)(i), if you modified your training plan without approval by the department, and that modification is subsequently disapproved, you are ineligible for training benefits for at least five years.

(5) Any benefits paid for a modified training plan that is not approved by the department constitute an overpayment and are subject to recovery under RCW 50.20.190.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-070, filed 4/6/12, effective 7/1/12. Statutory Authority: RCW 50.12.010, 50.20.010, and 50.22.150(10). 01-11-085, § 192-270-070, filed 5/16/01, effective 6/16/01.]

WAC 192-270-075 Will my benefits be reduced if I am working and receiving training benefits? (1) You are not unemployed during a week if:

(a) You work the number of hours consistent with full-time work for your occupation; or

(b) Your gross earnings equal or exceed one and one-third times your weekly benefit amount plus five dollars.

(2) There are two earnings deductions for claims filed effective July 1, 2012, and later:

(a) If you are not receiving training benefits and are unemployed for a week, the department will subtract five dollars from your gross earnings, multiply by seventy-five percent and round up to the nearest whole dollar. The resulting amount will be deducted from your weekly benefit amount.

Example: You have an unemployment claim effective July 1, 2012, and are receiving regular benefits. Your weekly benefit amount is four hundred dollars. During a week, you work twenty hours as a retail salesperson making ten dollars per hour. Your earnings deduction will be one hundred forty-seven dollars. Your unemployment benefit for the week will be two hundred fifty-three dollars.

(b) If you are receiving training benefits and are unemployed for a week, the department will subtract five dollars from your gross earnings, multiply by fifty percent and round up to the nearest whole dollar. The resulting amount will be deducted from your weekly benefit amount.

Example: You have an unemployment claim effective July 1, 2012, and are receiving training benefits. Your weekly benefit amount is four hundred dollars. During a week, you work twenty hours as a retail salesperson making ten dollars per hour. Your earnings deduction will be ninety-eight dollars. Your unemployment benefit for the week will be three hundred two dollars.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.22.155(12). 12-09-025, § 192-270-075, filed 4/6/12, effective 7/1/12.]