

Chapter 192-180 WAC

JOB SEARCH REQUIREMENTS

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

- (a) Attached to an employer, meaning you are:
- (i) Partially unemployed as defined in WAC 192-180-013(1);
- (ii) On standby as defined by WAC 192-110-015;
- (iii) Unemployed because you are on strike or locked out from the worksite as provided in RCW 50.20.090; or
- (iv) Participating in the shared work program under chapter 50.60 RCW;
- (b) A member of a union that participates in the referral union program (see WAC 192-210-110);
- (c) Participating in a training program approved by the commissioner; or
- (d) The subject of an antiharassment order. This includes any court-issued order providing for your protection, such as restraining orders, no contact orders, domestic violence protective orders, and similar documents.

(2) How soon do I have to register?

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

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

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

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

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-005, filed 12/13/16, effective 1/13/17; WSR 13-09-010, § 192-180-005, filed 4/5/13, effective 5/6/13; WSR 07-22-055, § 192-180-005, filed 11/1/07, effective 12/2/07; WSR 99-13-002, § 192-180-005, filed 6/3/99, effective 7/4/99.]

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

- (a) Attached to an employer as defined in WAC 192-180-005(1); or
 - (b) Participating in a training program approved by the commissioner.
- (2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) What are my weekly job search requirements?

- (a) At a minimum, you must:
 - (i) Make job search contacts with at least three employers each week; or
 - (ii) Participate in three approved in-person job search activities through the WorkSource office or the equivalent public employment agency in the state in which you reside, or any combination of employer contacts or in-person job search activities for a total of three.

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

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is a contact with an employer to inquire about or apply for a job. You must use job search methods that are customary for your occupation and labor market area including, but not limited to, in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100 and 50.20.110) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume online (for example, Simplyhired.com or Craigslist) does not constitute a job search contact for purposes of this section; in addition to posting your resume, an application or contact with an employer for a job must be submitted to count as one of the required weekly job search contacts.

(5) **What is an "in-person job search activity"?** This is an activity provided or monitored through the WorkSource office or the equivalent public employment agency in the state in which you reside that will assist you in your reemployment efforts. It includes, but is not limited to, job search workshops, training classes, or other facilitated services provided or monitored by WorkSource staff or other affiliated agencies and approved by the local WorkSource office. For claimants residing in Washington state, an in-person job search activity must be documented in the department's computer system to qualify. For interstate claimants, the activity must be documented by the equivalent public employment agency in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section, unless the directive is required under WAC 192-180-012.

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

- (a) Increase the number of employer contacts each week;
- (b) Change your method of looking for work;
- (c) Expand the geographic area in which you look for work;
- (d) Look for work in a secondary occupation; or
- (e) Accurately record your job search activities as required by WAC 192-180-015.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given; the directive is rescinded in writing; your benefit year ends; or you receive final payment on any extension of benefits related to that benefit year, whichever is later.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-010, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-010, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.-040. WSR 07-22-055, § 192-180-010, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-010, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-010, filed 6/3/99, effective 7/4/99.]

WAC 192-180-012 Requirements of individuals who leave work due to illness or disability. If you leave work because of your illness or disability:

(1) To be eligible for unemployment benefits, you must meet the job search requirements described in RCW 50.20.-240; and

(2) The department will provide you with a directive that lists the job search requirements you must meet to maintain your eligibility for benefits. These job search requirements will not be more stringent than those imposed on claimants who are not disabled.

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010. WSR 02-08-072, § 192-180-012, filed 4/2/02, effective 5/3/02.]

WAC 192-180-013 What are the job search requirements for individuals who work less than full time? (1) "Partially unemployed" workers are those individuals:

- (a) Who were hired to work full time;
- (b) Whose weekly hours of work have been temporarily reduced by their employer by no more than sixty percent;
- (c) Who earn less than one and one-third times their weekly benefit amount plus five dollars during a week; and
- (d) Who are expected to return to full time work for their employer within four months.

The department considers these workers to be employer attached and they are not required to register for or seek work. They must be available for all work offered by their regular employer.

(2) **"Part time" workers** are individuals who normally work less than full time, or who take a job that is less than full time. To be eligible for benefits, these individuals must be available for and actively seeking full time work and the department may review their job search at any time. If they get a part time job, they must continue to look for full time work or we will deny their benefits under RCW 50.20.010 (1)(c). This definition of "part time" workers means individuals who work part time but do not meet the requirements of RCW 50.20.119.

(3) **"Part time eligible" workers** are individuals who have worked no more than seventeen hours in any week of their base year. They are eligible for benefits under RCW 50.20.119. These individuals may look for work of seventeen or fewer hours per week and the department may review their job search at any time. Once an individual gets a job for seventeen or fewer hours per week, he or she is employer attached and no longer required to look for work.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-013, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.12.042. WSR 05-19-018, § 192-180-013, filed 9/9/05, effective 10/10/05.]

WAC 192-180-014 Requirements of individuals who leave work due to domestic violence or stalking—RCW 50.20.010 (1)(c). If you are allowed benefits because the department decides you left work for good cause due to domestic violence or stalking, each week you claim benefits you must demonstrate an attachment to the labor market by being able to work, available for work, and actively seeking suitable work. In general, claimants are required to make at least three job search contacts each week. You may make the number of contacts that are consistent with your need to address issues raised by domestic violence or stalking as long as you meet the requirements of RCW 50.20.010 (1)(c) by making at least one job search contact each week you claim benefits. You may substitute participation in an approved job search activity through the WorkSource office or the equivalent public employment agency in the state in which you reside for the required job search contact.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-014, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042, and 50.20.010. WSR 05-13-156, § 192-180-014, filed 6/21/05, effective 7/22/05.]

WAC 192-180-015 Tracking job search activities—RCW 50.20.240. (1) Do I need to keep track of my job search activities? You must keep a record or log of your job

search contacts and the in-person job search activities you receive through the WorkSource office, other affiliated agency, or equivalent public employment agency in the state in which you reside unless you are:

(a) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (2)(b)(iv); or

(b) Exempt from registration for work under WAC 192-180-005 (1)(a) through (c).

(2) What information do I need to keep in the log?

(a) Your job search log must contain sufficient information to establish to the department's satisfaction that you met the job search requirements;

(b) For in-person job search activities at the WorkSource office, other affiliated agency, or the equivalent public employment agency in the state in which you reside, record the date contact was made, and a description of the services you received or the activities in which you participated.

(3) Is there a specific form I must use? The department will supply you with a job search log to use in tracking your job search activities. You may use your own form or tracking method as long as it meets the requirements of this section.

(4) How long should I keep my log? Keep your log for at least thirty days after the end of your benefit year or thirty days after receiving your final payment on any extension of benefits, whichever is later.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-015, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-015, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.-040. WSR 07-22-055, § 192-180-015, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-015, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-015, filed 6/3/99, effective 7/4/99.]

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

(2) **Will the department verify the information on my job search log?** Employer contacts and other job search activities on your log may be verified by the department.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-020, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-020, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-020, filed 6/3/99, effective 7/4/99.]

WAC 192-180-025 Job search reviews. (1) **What is a job search review (JSR)?** The JSR is a review of your job search activities by the department. At a minimum, the department will review your job search documentation, your ability to work, availability for work, and your efforts to find work. The department may also promote an active search for work by directing you to resources that will assist you with your job search efforts.

(2) **Will my job search activities be reviewed?** Yes, you must provide your job search log to the department when requested. The department will review your log, review your eligibility for benefits as required by RCW 50.20.010 (1)(c), and, when appropriate, provide feedback on areas in which your job search can be improved.

(3) **How many weeks will be reviewed?** The department will review at least one week of your job search documentation at the initial JSR.

(a) If the documentation shows you met the job search requirements for that week, no further action will be taken at that time except as provided in WAC 192-180-020(2). You may be scheduled for another JSR at a later date.

(b) If the documentation shows that you substantially complied with the job search requirements, you will not be scheduled for an all weeks JSR. However, your benefits may be denied for that week and the department will issue you a work search directive explaining how your job search efforts or documentation of those efforts must be modified.

(c) If the job search documentation fails to show that you substantially complied with the job search requirements, the department will reschedule you for a second JSR in which your job search for all weeks claimed will be reviewed.

(4) **What happens if I do not participate in the initial JSR?** If you fail to participate in the initial JSR, the department will determine if your failure is excused or unexcused.

(a) If you have an excused absence, the department will reschedule you for a JSR of one week of your job search documentation.

You may be excused from participating in the initial JSR only for good cause:

(i) Your illness or disability or that of a member of your immediate family that prevents you from participating;

(ii) Your employment or presence at a job interview scheduled with an employer;

(iii) Natural disaster or similar acts of nature; or

(iv) Factors specific to your situation which would prevent a reasonably prudent person in similar circumstances from participating.

(b) If you have an unexcused absence, the department will:

(i) Schedule you for a JSR of your job search activities for all weeks claimed; and

(ii) Deny your benefits for the week of the initial JSR unless you can show good cause for not participating. (See WAC 192-180-030.)

(5) **What does "all weeks" mean?** For purposes of this section, "all weeks" means the latest of the following:

(a) Weeks claimed since you filed your application for benefits; or

(b) Weeks claimed since your last all weeks JSR.

(6) **Will the department verify my identity at the JSR interview?** Yes, you must be prepared to provide the department with sufficient information to verify your identity.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-025, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-180-025, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010 and 50.12.-040. WSR 07-22-055, § 192-180-025, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-025, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW

50.12.010 and 50.12.040. WSR 99-13-002, § 192-180-025, filed 6/3/99, effective 7/4/99.]

WAC 192-180-030 Are there penalties if I do not comply with the job search monitoring program? (1) If you fail to participate in a JSR when directed, benefits will be denied under RCW 50.20.010(1) for the specific week or weeks in which you failed to participate.

(2) Benefits will be denied under RCW 50.20.010 (1)(c) for the specific week or weeks in which you fail to:

- (a) Meet the minimum job search requirements;
- (b) Provide information about your job search activities;
- (c) Provide a copy of your job search logs upon request if you have been paid five or more weeks of benefits; or
- (d) Comply with any job search directive issued by the department.

(e) Such failure will be considered misrepresentation for purposes of redetermination under RCW 50.20.160(3). Such misrepresentation, however, will not be treated as fraud unless all criteria in WAC 192-100-050(1) are established.

(3) If you fail to participate in an all weeks JSR without good cause, benefits are denied under RCW 50.20.010 (1)(c) and 50.20.240. The denial is indefinite and will continue until you participate in a scheduled JSR with the department.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-01-051, § 192-180-030, filed 12/13/16, effective 1/13/17. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-030, filed 12/9/04, effective 1/9/05. Statutory Authority: RCW 50.12.010 and 50.12.-040. WSR 99-13-002, § 192-180-030, filed 6/3/99, effective 7/4/99.]

WAC 192-180-040 Directive to attend job search workshop or training course—RCW 50.20.044. (1) The department may direct you, in writing, to attend a job search workshop or training course when it finds that your chances of finding employment will be improved by enrollment in such activity.

(2) You will not be directed to attend a job search workshop or training course if:

- (a) You have an offer of bona fide work that begins within two weeks; or
- (b) The workshop or training location is outside your labor market or would require you to travel further than the nearest WorkSource office or local employment center; or
- (c) You are a member in good standing of a full referral union, unless you are also being required to begin an independent search for work or have been identified as a dislocated worker as defined in RCW 50.04.075.

(3) If you receive a directive and fail without good cause to attend a substantial portion of the workshop or training course during a week, you will be ineligible for benefits for the entire week. Good cause includes your illness or disability or that of a member of your immediate family, or your presence at a job interview scheduled with an employer. Reasons for absence may be verified and may result in a denial of benefits under RCW 50.20.010.

(4) Participation in a job search workshop when directed meets the definition of an "in-person job search activity" as defined in WAC 192-180-010.

(5) When attending a job search workshop or training course as directed, you will not be ineligible for benefits for failure to be available for work or to actively seek work under the provisions of:

- (a) RCW 50.20.010 (1)(c);
- (b) RCW 50.20.240; or
- (c) RCW 50.22.020(1).

[Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-180-040, filed 12/9/04, effective 1/9/05.]

WAC 192-180-060 How will the department identify individuals who are likely to exhaust benefits?—RCW 50.20.011. (1) The department will use the profiling model described in this section to identify claimants who are likely to exhaust benefits and in need of job search assistance to obtain new employment.

(2) **Model.** Take all valid claims with a benefit year ending date that falls within a specified two-year time period. Screen out (a) members of unions participating in the referral union program (see WAC 192-210-100) and (b) claimants who do not have a job search requirement (employer attached, in approved training, or unemployed due to strike or lockout) after all wages for the claimant on the current claim have been received. For the remaining claimants with a job search requirement, statistically combine information on industry, occupation and other personal characteristics, and labor market characteristics to generate a numerical score indicating the likelihood of exhausting benefits before finding work. The scores may range from 0% (no likelihood of exhaustion) to 100% (certainty of exhaustion). Rank claimants based on their individual score from least likely to most likely to exhaust.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-180-060, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, 50.20.010, 50.20.250(7) and 50.20.012. WSR 07-23-129, § 192-180-060, filed 11/21/07, effective 1/1/08.]