

Chapter 192-130 WAC

EMPLOYER NOTICES

WAC

192-130-050	Notice of filing of application—RCW 50.20.150.
192-130-060	Notice to employer.
192-130-065	Sending the notice to employer.
192-130-070	Sending eligibility determinations—RCW 50.20.180.
192-130-080	Procedure—Separation issues.

WAC 192-130-050 Notice of filing of application—RCW 50.20.150. Whenever an individual files an initial application for unemployment benefits, or reopens a claim after subsequent employment, a notice will be sent to the applicant's most recent employer as stated by the applicant. Any employer who receives such a notice and has information which might make the applicant ineligible for benefits must report this information to the department as indicated on the notice. The information must be reported within five working days, plus reasonable mailing time, if any, beginning on the date the notice was sent. If the employer does not reply within this time frame, the department may allow benefits to the individual, if he or she is otherwise eligible.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-04-090, § 192-130-050, filed 1/31/17, effective 3/3/17; WSR 16-21-013, § 192-130-050, filed 10/7/16, effective 11/14/16; WSR 14-04-074, § 192-130-050, filed 1/30/14, effective 3/2/14; WSR 98-14-068, § 192-130-050, filed 6/30/98, effective 7/31/98.]

WAC 192-130-060 Notice to employer. (1) Whenever an individual files an initial application for unemployment benefits, a notice will be sent to:

- (a) The claimant's last employer, and
- (b) Any prior employer where it has been less than ten weeks since the job separation or the individual has not earned at least ten times his or her weekly benefit amount since the job separation.

(2) Whenever an individual files an initial application for unemployment benefits and a benefit year is established, the department will send a notice 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 an employer response if the wage information is incorrect or if the employer wishes to request relief of benefit charging.

(3) Whenever an individual files an initial application for unemployment benefits, the department will send a notice to any separating employer as provided in WAC 192-320-075. This notice will include information that the employer may be liable for all benefits paid on the claim as provided in RCW 50.29.021 (2)(c).

(4) Whenever an individual files an additional claim for benefits (reopens an existing claim after subsequent employment), the department will send a notice to the last employer reported by the claimant and to any prior employer from whom the claimant has a potentially disqualifying separation who has not previously been notified.

(1/31/17)

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-130-060, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-130-060, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-130-060, filed 12/9/04, effective 1/9/05.]

WAC 192-130-065 Sending the notice to employer. The department will send notices to employers required by RCW 50.20.150 and WAC 192-130-060 as follows:

(1) The department will send the notice to the last employer of the claimant in the following order:

(a) If the employer requests that the department send correspondence related to unemployment benefits to a specific address, the department will send a notice to the last employer directly to that address; or

(b) If the employer has notified the department that the employer is represented for unemployment insurance purposes by an employer representative or cost control firm, the department will send a notice to the last employer directly to that firm; or

(c) If an employer has provided the department with an address for tax purposes, the department will send a notice to the last employer directly to that address; or

(d) If the employer has not provided the department with an address, the department will send a notice to the last employer to the address provided by the claimant.

(2) The department will send a notice to any base year employer who has reported wages to the department to the address provided by the employer for tax purposes.

(3) A 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 sent in the order specified in subsection (1) of this section.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-130-065, filed 10/7/16, effective 11/14/16; WSR 14-04-074, § 192-130-065, filed 1/30/14, effective 3/2/14. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-130-065, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-130-065, filed 12/9/04, effective 1/9/05.]

WAC 192-130-070 Sending eligibility determinations—RCW 50.20.180. (1) The department will send an eligibility decision based on a job separation issue to the following:

(a) The last employer, if the claimant was separated from employment for reasons other than lack of work;

(b) A previous employer from whom the claimant has a potentially disqualifying separation as provided in WAC 192-130-060 if the claimant was separated from employment for reasons other than lack of work;

(c) To any employer since the beginning of the claimant's base year who provides information that the claimant was discharged for gross misconduct connected with the work.

[Ch. 192-130 WAC p. 1]

(2) The department will send an eligibility decision based on an issue other than a separation from employment to an employer if the employer provides relevant information about the claimant's eligibility for a specific week.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-130-070, filed 10/7/16, effective 11/14/16. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-130-070, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-130-070, filed 12/9/04, effective 1/9/05.]

WAC 192-130-080 Procedure—Separation issues.

(1) The department will not make a decision on a separation issue (RCW 50.20.050 or 50.20.066) until both the employer and the claimant have had an opportunity to present information and rebuttal, if necessary and appropriate, about the separation.

(2) If an employer does not respond to the notice within five working days, plus reasonable mailing time, if any, as required by WAC 192-130-060, the department may make a decision at that time based on available information.

(3) If the employer sends separation information to the department after the end of the response period, but before the decision has been made, the department will consider that information before making a decision.

(4) If the employer sends separation information to the department within thirty days after a decision has been sent, the department will consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the decision.

(5) Any information received within thirty days of the date the notice required by WAC 192-130-060 was sent will be considered a request for relief of benefit charges under RCW 50.29.021.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 17-04-090, § 192-130-080, filed 1/31/17, effective 3/3/17; WSR 16-21-013, § 192-130-080, filed 10/7/16, effective 11/14/16; WSR 07-22-055, § 192-130-080, filed 11/1/07, effective 12/2/07. Statutory Authority: RCW 50.12.010, 50.12.040, 50.12.042. WSR 05-01-076, § 192-130-080, filed 12/9/04, effective 1/9/05.]