

Chapter 192-130 WAC

EMPLOYER NOTICES

WAC

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WAC 192-130-050 Notice of filing of application—RCW 50.20.150. (1) Whenever an individual files an initial application for unemployment benefits, or reopens a claim after subsequent employment, a notice will be mailed 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 shall report this information to the employment security department at the address indicated on the notice within ten days of the date the notice was mailed. If the employer does not reply within ten days, the department may allow benefits to the individual, if he or she is otherwise eligible.

(2) If an employer reports information which it claims makes an individual ineligible for benefits, the department will issue a written decision regarding the individual's eligibility and mail a copy to the employer.

[Statutory Authority: RCW 50.12.010 and 50.12.040. 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 mailed 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 mail 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 mail 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 mail 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.

(5/12/10)

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 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. 05-01-076, § 192-130-060, filed 12/9/04, effective 1/9/05.]

WAC 192-130-065 Mailing addresses for notice to employer. The department will mail notices to employers required by RCW 50.20.150 and WAC 192-130-060 as follows:

(1) The department will mail the notice to the last employer of the claimant as follows:

(a) 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 mail the notice to the last employer directly to that firm; or

(b) If an employer has provided the department with a mailing address, the department will mail the notice to the last employer directly to that address; or

(c) If the employer has not provided the department with a mailing address, the department will mail the notice to the last employer to the address provided by the claimant.

(2) The department will mail the notice to any base year employer who has reported wages to the department to the employer's mailing address of record 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, 50.12.040, and 50.20.010. 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. 05-01-076, § 192-130-065, filed 12/9/04, effective 1/9/05.]

WAC 192-130-070 Mailing of eligibility determinations—RCW 50.20.180. (1) The department will mail 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, or whose wage credits are deleted from the claimant's record as a result of the claimant's gross misconduct.

(2) The department will mail an eligibility decision based on an issue other than a separation from employment to

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an employer if the employer provides relevant information about the claimant's eligibility for a specific week.

[Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. 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. 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 ten days as required by WAC 192-130-060, the department may make a decision at that time based on available information.

(3) If the employer mails separation information to the unemployment claims telecenter identified on the notice after the end of the ten day response period, but before the decision has been made, the department will consider that information before making a decision.

(4) If the employer submits separation information to the department within thirty days after a decision has been mailed, 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 mailing of the notice required by WAC 192-130-060 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. 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. 05-01-076, § 192-130-080, filed 12/9/04, effective 1/9/05.]