

LAYOFFS, FURLOUGHS, AND UNEMPLOYMENT RESOURCES (WASHINGTON)

Washington employers may wish to contact the [Employment Security Department](#) (ESD) for up to date guidance and/or to request “standby” status for an employee to temporarily apply for unemployment benefits. Washington employers may also consider the [Shared Work](#) program. Workers will be able to receive unemployment benefits if an employer needs to temporarily shut down operations because workers become sick or quarantined as a result of the Coronavirus, or if directed to close by order of a public official.

Considerations:

- WARN covered?
- Union employees?
- Public employer?
- Exempt must earn at least weekly minimum to maintain status

<p>1. Standby/Temporary Layoff¹</p>	<p>Temporarily unemployed because of a lack of work but:</p> <ul style="list-style-type: none"> ▪ Expect to RTW with employer within 4 weeks; OR ▪ Expect to begin full-time work with new employer w/in 2 weeks; OR ▪ Temporarily unemployed due to natural disaster.² <p>Available to all employees (full-time/part-time etc)³ (COVID rules)</p> <p>Length of standby:</p> <ul style="list-style-type: none"> ▪ Employee can request 4 weeks, employer can extend by 8⁴ ▪ Employer can request up to 12 weeks⁵ ▪ COVID rules: Can be extended due to “a COVID-19 infection at the employer's place of business that causes the employer to close or severely curtail operations”⁶ <p>Do not have to look for another job⁷</p> <p>Must accept all “suitable” work offered by employer⁸ (COVID rules).</p>
<p>2. Shared Work Program⁹</p>	<p>Retain employees at reduced hours (10-50%)¹⁰</p> <ul style="list-style-type: none"> ▪ Do not have to look for another job¹¹ ▪ Must continue to provide employees with health benefits as though their weekly benefits had not been reduced; also must provide sick, vacation, holiday¹² <p><u>Business must:</u></p> <ul style="list-style-type: none"> ▪ Have at least 2 employees and enroll at least 1 in the plan¹³ ▪ Be legally registered in Washington 6 months +¹⁴ ▪ Be current on unemployment taxes or a payment contract¹⁵ ▪ Have a tax rate less than 5.4 percent.¹⁶ ▪ Comply with IRS, state, county and municipal laws etc.¹⁷ <p><u>Employees must be:</u></p> <ul style="list-style-type: none"> • Hourly only – not seasonal, no officers of corp.¹⁸ • Eligible and apply for regular benefits, submit weekly claims¹⁹ • Able to work all hours & be available for all usual weekly work hours²⁰ <p><u>Length:</u> Up to one year. Employer may apply to extend.²¹</p>

<p>3. Furlough²²</p>	<ul style="list-style-type: none"> • Temporary layoff that may consist of complete stoppage of work or reduced work hours over a period of time (for example, reduction of one day/week for a year). • Note: Full-time workers reduced by one work day/week usually earn too much in the week to be eligible
<p>4. Partial Unemployment²³</p>	<p>Business operating on a less-than-full time basis Employees don't need to search for work if they</p> <ul style="list-style-type: none"> ▪ Were hired to work full time ▪ Work at least 16 hours/week ▪ Hours reduced by no more than 60%²⁴ ▪ Return to at least 1 week of full time employment within a 4 month period

¹ <https://www.esd.wa.gov/unemployment/temporary-layoffs>

² WAC 192-110-015

³ WAC 192-110-015(3)(d) (2nd Emergency Rule)

<https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/rule-making/ots-2138.1.pdf>

⁴ Id.

⁵ Id.

⁶ WAC 192-110-015(1)(d) (1st Emergency Rules)

⁷ Id.

⁸ WAC 192-110-015(1)(c) (1st Emergency Rules). "Suitable" defined at WAC 192-170-050 (1st Emergency Rules).

<https://esdorchardstorage.blob.core.windows.net/esdwa/Default/ESDWAGOV/rule-making/emergency-rules-covid-19.pdf>

⁹ <https://www.esd.wa.gov/SharedWork/eligibility>

¹⁰ WAC 192-250-010

¹¹ 192-250-035(5)

¹² WAC 192-250-025(2)

¹³ RCW 50.60.020(5)

¹⁴ WAC 192-250-015

¹⁵ WAC 192-250-020

¹⁶ WAC 192-250-045

¹⁷ WAC 192-250-045

¹⁸ WAC 192-250-045

¹⁹ RCW 50.60.090, 192-250-025

²⁰ RCW 50.60.090.

²¹ RCW 50.60.060

²² <https://www.esd.wa.gov/unemployment/temporary-layoffs>; <https://www.esd.wa.gov/unemployment/eligibility-and-general-questions>

("Q. I'm being "furloughed" one day a month without pay over the next year. Am I eligible for unemployment benefits for the days I'm off? A. Unemployment benefits are determined on a weekly basis. As a general rule, people who normally work full-time whose hours of work are reduced by one work day in a week will not be eligible for benefits – they still earn too much in that week to be eligible. Estimate your weekly unemployment benefit amount, then use the earnings deduction chart to see if the one-day reduction in your gross pay makes you eligible for any benefits. We decide eligibility on a case-by-case basis. Anyone has a right to file an application for benefits and claim weekly benefits. When we have all the facts we determine eligibility.")

²³ <https://www.esd.wa.gov/unemployment/temporary-layoffs>

²⁴ WAC 192-180-013