

## Draft Rule for Shared Work Benefits

471-030-0078

### Shared Work Plans

- (1) The beginning date for a shared work plan shall be no earlier than the week after the plan is approved.
- (2) An initial claim for shared work benefits is effective the week filed. An initial claim for shared work benefits submitted prior to the start week of the employer's shared work plan will be filed effective the week the employer's shared work plan becomes effective.
- (3) When an incomplete form is submitted by the employer, the Employment Department shall send a request for information to the employer. If the requested information is supplied by the employer within seven calendar days of the date of the request, the date on the original form will be honored.
- (4) If an employee's work schedule is reduced by more than 40% in a week covered by a shared work plan, the employee may use hours from other paid time, such as vacation time, to bring the work hour reduction within the 20% to 40% range required to receive shared work benefits. However, this does not apply if the reduction in work hours was due to the employee missing an opportunity to work for their shared work employer. For example:
  - (a) An employer's shared work plan reduces regular working hours from 40 hours to 24 hours per week (a reduction of 40%). If the employer only has 20 hours of work available, an employee can use between 4 and 8 hours of other paid time to bring the shared work reduction within the 20% to 40% range required to receive shared work benefits.
  - (b) An employer's shared work plan reduces regular working hours from 40 hours to 24 hours per week (a reduction of 40%). The employer has 24 hours of work available but the employee does not work some of the available hours because they are ill, have an appointment, or miss scheduled work for any other reason. The employee missed an opportunity to work and cannot use other paid time to bring their work hour reduction within the 20% to 40% required to receive shared work benefits.
- (5) For purposes of ORS 657.155(1)(c), during any week an employee is not eligible for shared work benefits and files a claim for regular unemployment insurance benefits, the employee will be considered actively seeking work if:

- a. The employee remains in contact with the shared work employer; and
  - b. The employee has been given a date to return to either full time work, or to working the number of hours required to qualify for shared work benefits; and
  - c. The date to return to work is within four calendar weeks following the week the employee did not meet the hourly reduction requirements for shared work eligibility.
- (6) Continued claims for shared work benefits shall be completed by the shared work employer and submitted to the Employment Department no later than seven days following the end of the week for which benefits, waiting week credit, non-compensable credit week, or any combination of these is claimed. Shared work employees must provide the employer all information needed in order to submit a timely continued claim for shared work benefits. Such information may include, but is not limited to, information about work and earnings for another employer, missed opportunities to work, or vacation or sick time used during the week being claimed.