



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 471

EMPLOYMENT DEPARTMENT

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FILING CAPTION: Rule amendment to provide additional opportunities for individuals to be eligible for Work Share benefits.

EFFECTIVE DATE: 06/25/2021

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AMEND: 471-030-0079

RULE TITLE: Shared Work Plans and Benefits

NOTICE FILED DATE: 03/30/2021

RULE SUMMARY: This amendment to OAR 471-030-0079 provides additional eligibility opportunities for individuals to qualify for Work Share benefits.

RULE TEXT:

- (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.
- (5) As determined by the Department, paid leave hours used for the purposes of serving jury duty, bereavement leave, the employee being sick, caring for a member of the employee's immediate family who is sick, or in response to a declared emergency as defined in OAR 471-030-0071 shall count as hours worked during the week. However, this does not apply when the employee misses an opportunity to work for other reasons.
 - (a) Example 1: An employer's shared work plan reduces the 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 misses a day of work to provide care for an immediate family member who is sick. The employee may use paid leave for the day to bring them within the 20% to 40% range required to receive shared work benefits.
 - (b) Example 2: 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 traveled out of state for vacation purposes. 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.

(6) For purposes of section (5) of this rule, the term "immediate family" has the same meaning as the term is defined in OAR 471-030-0038(1)(f).

(7) The provisions of 471-030-0079(4) and (5) do not apply when an entire week of work for the shared work employer is missed.

(8) 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.

(9) 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 other paid time used during the week being claimed.

STATUTORY/OTHER AUTHORITY: ORS 657.610, 657.100(3)

STATUTES/OTHER IMPLEMENTED: ORS 657.370, 657.375, 657.380, 657.385, 657.390