

Frequently Asked Questions (FAQ)



What is the Work Share Program?

Work Share offers employers an alternative to laying off their work force. It allows employers to keep skilled employees during slow times by reducing work hours. Eligible staff whose hours are reduced receive a portion of regular unemployment insurance benefits to compensate for reduced wages. The program does not directly replace wages, but instead offers partial unemployment benefits in proportion to the hours reduced from employees' schedules.

Are there resources available with an overview of the Work Share program and how it can serve my business?

Yes, we provide two weekly webinars, on Tuesdays and Thursdays, that provide an overview of the program and how it may be a fit for businesses. Register through the [Work Share webpage](#).

How does a business qualify for Work Share?

Most businesses are eligible for Work Share. Program enrollment begins by submitting a short plan on how the program will be used and certifying that program rules and guidelines will be followed.

To qualify for the Work Share program, an employer must have three (3) or more employees who are not seasonal, temporary, or intermittent employees and are paid Oregon wages. Employees who have an Unemployment Insurance claim with another state or have previously exhausted their Oregon Unemployment Insurance benefits and cannot file a new claim are not eligible to participate in the Work Share plan.

I do not want to layoff my employees, but with reductions in revenue, I cannot afford to keep them in their full-time schedule. Can Work Share help?

Yes. Work Share can help prevent layoffs. If you reduce the employee's hours worked by 10% - 50% for the week, they can receive a proportional amount of Unemployment Insurance benefits.

How is Work Share funded and will it affect my tax rate?

Work Share is funded in the same way as traditional unemployment insurance through payroll taxes paid by employers. The exception is some governmental, tribal and non-profit employers that are "reimbursing employers" and repay the Unemployment Insurance Trust Fund for benefits paid out instead of taxes. While Work Share may lead to a tax rate increase, it's typically less significant compared to a staff layoff.

How many employees can be in the program?

Work Share requires a minimum of three (3) employees, but there is no maximum number of employees who may participate in the program. You do not need to have three (3) employees claim every week. As long as you have at least three (3) qualified staff employed by your business while on the program, your plan will remain active.

What are the employee's responsibilities while in the program?

Employees complete a two-page initial claim form. They are not required to look for work or submit their own weekly claims while in the program. If they have secondary income, the employee must report it weekly to the Work Share employer on their initial claim form including out-of-state employment.

How much can employees earn through the program?

The weekly benefit amount from Work Share depends on:

- The parameters of their respective unemployment claim
- The reduction amount in their weekly paid hours
- The amount of secondary earnings they accrued outside of their Work Share employer

Example: Jim qualifies for an unemployment claim with a Weekly Benefit Amount of \$750. Jim usually works 40 hours per week and earns \$1150. Jim's hours are reduced by 20% and he works 32 hours per week and earns \$992. If there were no disqualifying factors for the week, Work Share would provide 20% of his Unemployment Insurance Weekly Benefit Amount: $20\% \times \$750 = \150 .

How does the program affect employee benefits?

There should be no change to employer provided benefits. To qualify for the program, employers must continue to provide benefits (such as health care and retirement benefits) under the same terms and conditions as when the affected employee worked their usual weekly hours.

How are retirement contributions for my employees affected by participating in Work Share?

Employees participating in Work Share must retain coverage in the retirement plan under the same conditions as employees not participating in Work Share. Hours reduced under the Work Share plan must be credited for purposes of participation, vesting, and accrual of benefits as though the usual weekly hours or work had not been reduced. However, the dollar amount of employer contributions to a defined contribution plan based on the amount of employee compensation may be less due to the reduction in the employee's compensation.

Example: Retirement contributions to a defined contribution plan are based on the hours an employee worked. If your employees all normally work 40 hours per week

but are having their hours reduced by 20% to 32 hours, they must be treated as having worked 40 hours for purposes of participation, vesting, and accrual of benefits. The amount of money the employer contributes to the plan would be reduced by 20%. The employer's contribution rate remains the same, but the actual amounts contributed would decrease due to the employee having lower weekly earnings.

Can PERS contributing employers participate in Work Share?

Yes, employees working fewer hours must be treated the same as those working regular hours for eligibility purposes for the plan, vesting and benefit accruals (i.e. years of service). These components relate to time/hours worked. A PERS-participating employer must certify that no employee participating in the Work Share plan will have their hours reduced below 50 per month and 600 per year.

What are the steps I need to follow to apply for Work Share and to administer the program?

- **Step 1** - Employers apply for the Work Share program on behalf of their employees by submitting a Work Share Program Application and a Work Share Participant List through the Oregon Employment Department's Contact Us form.
- **Step 2** - Once the plan is approved, the employer must submit Initial Claim forms for each participating employee to establish their Unemployment Insurance claims.
- **Step 3** - Once Initial Claims have been established, the employer begins submitting Work Share Weekly Claim Certifications as needed on a weekly basis for all participating employees who have had their hours reduced for that week.
- **Step 4** - If any participating employees separate from the business, employers need to submit a Work Share Participant List that removes the employees from the Work Share plan.

Are there resources available for providing detailed instruction on how to administer our Work Share plan?

Yes, a weekly webinar is held every Monday that provides in-depth information on how to navigate your Work Share plan. It is accessible through the Work Share webpage.

How long does it take to approve Work Share plan?

Generally, applications are processed within two (2) weeks. That period can vary from a single day to two (2) weeks depending on the number of applications in process at the time. To ask about current approval timeframes, submit an inquiry using the Oregon Employment Department's Contact Us page.

What are the timeliness requirements for submitting Initial Claim forms?

Initial Claim forms are used to establish a Unemployment Insurance claim for employees so they can receive weekly benefits. They cannot claim weekly benefits without having a valid Unemployment Insurance claim established. Initial Claim forms are valid for the work week set by the date they are received. They cannot be backdated before the week they are received.

Example: An Initial Claim form is submitted on Thursday, 5/11/2023. The Unemployment Insurance Claim will be established for the week of 5/7/2023-5/14/2023. That is the first eligible week that benefits can be claimed.

How do I claim a week in Work Share?

Employers must submit weekly claim certifications for Work Share benefits through our “Contact Us” page no later than seven (7) days following the end of the workweek for which benefits are claimed. Work Share employees must give the employer all information needed to submit a timely claim for Work Share benefits. This information may include secondary income, missed opportunities for work, or other paid time used during the claimed week.

All weekly claim certifications must meet our timeliness standards - see “What are the timeliness requirements for submitting Weekly Claim Certifications?”

How long does it take to process weekly claims?

Generally, we process all weekly claims within two (2) weeks. This can vary from a single day to two (2) weeks depending on the number of claims in process. To ask about processing time for a submitted claim, inquire using the Oregon Employment Department’s “Contact Us” webpage.

What are the timeliness requirements for submitting Weekly Claim Certifications?

Weekly Claim certifications must be received during the seven (7) calendar days that follow the workweek being claimed. The “workweek” is defined as Sunday through Saturday. All weekly claim certifications must be received during the Sunday-Saturday time period for the week following the week claimed.

Example: Employees had their hours reduced during the week of 4/2/2023 - 4/8/2023. The weekly claim certification for that week needs to be submitted between 4/9/2023 - 4/15/2023.

If the Weekly Claim certification is received before 4/9/2023, it will be rejected because the affected workweek is not yet complete.

If the Weekly Claim certification is received after 4/15/2023, the week will still be processed but the individual claims for the week will be denied for failing to meet timeliness requirements.

What if my employees have reductions that are outside of the 10% - 50% Work Share range for the week?

If a weekly claim certification is submitted where an employee's hours do not meet the 10% - 50% Work Share hours reduction rate, the week will be processed according to regular unemployment weekly claim guidelines. A claimant may be eligible for unemployment benefits if they work less than 40 hours in a week.

If a claimant is temporarily laid off, there is a limit of four (4) consecutive weeks allowed before being removed from the Work Share program. After four (4) consecutive weeks, the employee is no longer considered to be temporarily laid off, would need to register with WorkSource and begin performing work searches to be eligible for benefits. If they return to work, they can be reinstated in the Work Share program if they meet eligibility requirements.

Does vacation, sick time, PTO or other time off affect an employee's weekly claim?

Oregon employment law requires that claimants are able, available and actively seeking work to receive benefits. Work Share claimants are already employed so "actively seeking work" is not relevant. However, if an employee is absent due to taking leave, they may not be considered "available" and so may not qualify for benefits. OAR 471-030-0071 statute allows for some absences including: jury duty, bereavement leave, illness, caring for a member of the employee's immediate family who needs medical care, or in response to a declared emergency. Other absences need to be reviewed to determine if they would qualify for the week claimed.

If a missed work opportunity is identified on a weekly claim certification, the week will initially be denied during processing and an automated letter of denial is mailed to the claimant. However, an adjudication review is required for all missed work opportunities and the denial may be overturned after the initial letter is sent. If an employee notifies the employer of the letter and believe they have been wrongly denied, they should verify that they were paid for the week first, to be sure the denial was not already overturned before contacting us.

How do I mark the weekly claim certification if it included a paid holiday (i.e. Memorial Day, Veterans Day, Christmas)?

A paid holiday is treated the same as a day worked. Employees are paid for their hours worked. Their "wages" for the week and the "hours paid" should include the paid holiday wages and hours as if the day was worked.

How do I mark the weekly claim certification if our business is closed for inclement weather or some other unexpected event?

If a business would normally be in operation for the day but due to unforeseen circumstances must close, the hours missed by employees are considered “not offered” and count towards their reduction in hours for the week.

If an employee has returned to working full-time, do we need to include them on the weekly claim certification?

No, it is not necessary to claim employees who have worked 40 hours or more. At that point, they are considered to be “fully employed” and are not eligible for benefits. There is no continuous reporting requirement for Work Share, so their program participation would not be impacted if they were not included on a weekly claim certification.

Do I need to submit weekly certification forms every week?

When a Work Share plan is set up, employers submit weekly certification forms for the weeks where benefits are claimed for employees. Do not submit a weekly certification if business is steady and there is no need to reduce hours. If things slow down again in future months and there is a need to cut hours back, start submitting weekly certifications again. The Work Share plan is valid for 52 weeks and can be used as needed.

What is a “waiting week”?

A “waiting week” is the first week a weekly claim is filed and meets all requirements. Oregon law requires that claimants serve **one waiting week per claim** before benefits can be paid. An eligible weekly claim must still be filed however, to complete the “waiting week” requirement.

What should the employer do if their employees receive a notice that a week of benefits has been denied?

Employees should reach out directly to Work Share concerning issues with their claim, to maintain claimant confidentiality. While we try to be as accommodating and open as possible with Work Share employers, individual claim issues are best resolved directly with the claimant.

What happens if an employee separates from the Work Share employer?

The Work Share employer submits a Work Share Participant List that lists the separation date and reason. This allows us to remove the participant from the Work Share program and qualify them for regular unemployment benefits. The employee can still be included on the weekly claim certification for the week that they separated,

but the employer needs to notify us of the separation so we can process the week appropriately.

What are the rules and laws that govern Oregon's Work Share Program?

Oregon Administrative Rule (OAR) 471-030-0079, Shared Work Plans and Benefits
Oregon Revised Statutes:

ORS 657.370, Definitions for ORS 657

ORS 657.375, Plan applications

ORS 657.380, Eligibility of employees

ORS 657.385, Method of paying benefits

ORS 657.390, Employer charged for benefits in same manner as regular or extended benefits