

AMENDATORY SECTION (Amending WSR 13-09-010, filed 4/5/13, effective 5/6/13)

WAC 192-180-005 Registration for work—RCW 50.20.010(1) and 50.20.230. (1) **Am I required to register for work?** You must register for work unless you are:

(a) Attached to an employer, meaning you are:
(i) Partially unemployed as defined in WAC 192-180-013(1);
(ii) On standby as defined by WAC 192-110-015;
(iii) Unemployed because you are on strike or locked out from the worksite as provided in RCW 50.20.090; or
(iv) Participating in the shared work program under chapter 50.60 RCW;

(b) A member of a union that participates in the referral union program (see WAC 192-210-110);

(c) Participating in a training program approved by the commissioner; or

(d) The subject of an antiharassment order. This includes any court-issued order providing for your protection, such as restraining orders, no contact orders, domestic violence protective orders, and similar documents.

(2) **How soon do I have to register?**

(a) If you live within the state of Washington, the department will register you automatically based on information contained in your application for benefits. In unusual circumstances where you are not automatically registered, you must register within one week of the date on which you are notified by the department of the requirement to register for work.

(b) If you live in another state, you must register for work within one week of the date your first payment is issued on your new or reopened claim.

(3) **Where do I register for work?** You will be registered for work with (~~your local WorkSource office~~) the department. However, if you live in another state, you must register for work with the equivalent public employment agency in that state.

(4) **What is the penalty if I do not register for work?** You will not be eligible for benefits for any week in which you are not registered for work as required by this section.

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-180-010 Job search requirements—Directives—RCW 50.20.010 (1)(c) and 50.20.240. (1) **Do I have to look for work?** You must be actively seeking work unless you are:

(a) Attached to an employer as defined in WAC 192-180-005(1); or

(b) Participating in a training program approved by the commissioner.

(2) **When should I start my job search?** You must look for work every week that you file a claim for benefits, unless you are exempt under subsection (1) of this section.

(3) **What are my weekly job search requirements?**

(a) At a minimum, you must:

(i) Make job search contacts with at least three employers each week; or

(ii) Participate in three approved in-person job search activities ~~((at))~~ through the WorkSource office or ~~((local employment center))~~ the equivalent public employment agency in the state in which you reside, or any combination of employer contacts or in-person job search activities for a total of three.

(b) Based on your individual circumstances, such as your occupation, experience, or labor market area, the department may issue you a directive requiring more than three employer contacts or job search activities each week.

(c) If you are a member of a referral union you must be registered with your union, eligible for and actively seeking dispatch, and comply with your union's dispatch or referral requirements (see WAC 192-210-120). Your benefits may be denied for any weeks in which you fail to meet these requirements and you may be directed to seek work outside of your union.

(4) **What is a "job search contact"?** A job search contact is a contact with an employer to inquire about or apply for a job. You ~~((may))~~ must use job search methods that are customary for your occupation and labor market area ~~((,))~~ including, but not limited to, in-person, telephone, internet, or telefax contacts. The work applied for must be suitable (see RCW 50.20.100 and 50.20.110) unless you choose to look for work in a lower skill area. A contact does not count if it is made with an employer whom you know is not hiring, or if the department decides the contact is designed in whole or in part to avoid meeting the job search requirements. Simply posting your resume online (for example, ~~((Monster.com))~~ Simplyhired.com or Craigslist) does not constitute a job search contact for purposes of this section; in addition to posting your resume, an application or contact with an employer for a ~~((specific))~~ job must be submitted to count as one of the required weekly job search contacts.

(5) **What is an "in-person job search activity"?** This is an activity provided or monitored through the WorkSource office or ~~((local employment center))~~ the equivalent public employment agency in the state in which you reside that will assist you in your reemployment efforts. It includes, but is not limited to, job search workshops, training classes, or other facilitated services provided or monitored by WorkSource staff or other affiliated agencies and approved by the local WorkSource ~~((administrator))~~ office. For claimants residing in Washington state, an in-person job search activity must be documented in the department's ~~((services, knowledge and information exchange system (SKIES)))~~ computer system to qualify. For interstate claimants, the activity must be documented ~~((in the one stop system))~~ by the equivalent public employment agency in the state in which you reside.

(6) **What is a directive?** A directive is a written notice from the department telling you that specific methods of job search are required in order to meet the job search requirements. A written directive need not have been issued to deny benefits for failure to meet the job search requirements in subsection (3) of this section, unless the directive is required under WAC 192-180-012.

(7) **When is a directive issued?** The department can issue a directive to clarify or to increase the job search requirements you must meet. Examples include, but are not limited to, cases in which you need to:

(a) Increase the number of employer contacts each week;

- (b) Change your method of looking for work (~~((such as from resumes to in person contacts))~~);
- (c) Expand the geographic area in which you look for work; (~~(or)~~)
- (d) Look for work in a secondary occupation; or
- (e) Accurately record your job search activities as required by WAC 192-180-015.

(8) **When is the directive effective?** The directive is effective when it is given in writing by the department. It stays in effect until a new written directive is given (~~(, or it is)~~); the directive is rescinded in writing; your benefit year ends; or you receive final payment on any extension of benefits related to that benefit year, whichever is later.

AMENDATORY SECTION (Amending WSR 05-13-156, filed 6/21/05, effective 7/22/05)

WAC 192-180-014 Requirements of individuals who leave work due to domestic violence or stalking—RCW 50.20.010 (1)(c). If you are allowed benefits because the department decides you left work for good cause due to domestic violence or stalking, each week you claim benefits you must demonstrate an attachment to the labor market by being able to work, available for work, and actively seeking suitable work. In general, claimants are required to make at least three job search contacts each week. You may make the number of contacts that are consistent with your need to address issues raised by domestic violence or stalking as long as you meet the requirements of RCW 50.20.010 (1)(c) by making at least one job search contact each week you claim benefits. You may substitute participation in an approved job search activity (~~(at)~~) through the WorkSource office or (~~local employment center~~) the equivalent public employment agency in the state in which you reside for the required job search contact.

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-180-015 Tracking job search activities—RCW 50.20.240.

(1) **Do I need to keep track of my job search activities?** You must keep a record or log of your job search contacts and the in-person job search activities you receive through the WorkSource office (~~(or local employment center)~~), other affiliated agency, or equivalent public employment agency in the state in which you reside unless you are:

- (a) (~~A member of a full referral union;~~
- ~~(b)~~) Allowed benefits because you left work to protect yourself or a member of your immediate family from domestic violence or stalking as provided in RCW 50.20.050 (2)(b)(iv); or
- (~~(e)~~) (b) Exempt from (~~job search requirements~~) registration for work under WAC (~~192-180-010(1)~~) 192-180-005 (1)(a) through (c).

(2) **What information do I need to keep in the log?**

- (a) Your job search log must contain (~~at least the following information:~~

~~(a) For in person or telephone job search contacts, record the date contact was made; the employer's name, address and telephone number; how contact was made (in person, telephone, etc.); the name or position of the person you contacted; and the type of work you applied for. If application was made online, by newspaper or other means in which there is no direct employer contact, include date, web address, or newspaper name or address, the job applied for, such as a job reference number, **or** attach a copy of the job announcement or a confirmation notice received after your application was submitted)) sufficient information to establish to the department's satisfaction that you met the job search requirements;~~

~~(b) For in-person job search activities at the WorkSource office ((~~or local reemployment center~~)), other affiliated agency, or the equivalent public employment agency in the state in which you reside, record the date contact was made(~~(+)~~), and a description of the services you received or the activities in which you participated.~~

~~(3) **Is there a specific form I must use?** The department will supply you with a ((~~form (EMS 10313)~~)) job search log to use in tracking your job search activities. You may use your own form or tracking method as long as ((~~you record all information required by~~)) it meets the requirements of this section.~~

~~(4) **How long should I keep my log?** Keep your log for at least ((~~sixty~~)) thirty days after the end of your benefit year or thirty days after receiving your final payment on any extension of benefits, whichever is later.~~

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-180-020 Monitoring job search activities—RCW 50.20.240.

~~(1) **Will my job search activities be monitored?** Every week that you file a claim for benefits, you must certify ((~~that you meet~~)) whether you met the job search requirements. The department may review your job search activities at any time. ((~~If~~)) Once you have been paid benefits for five or more weeks in any benefit year, you must provide the department with a copy of your job search log upon request. ((~~You must bring a copy of your job search log to any job search review interview (see WAC 192-180-025) for which you have been scheduled.~~))~~

~~(2) **Will the department verify the information on my job search log?** Employer contacts and other job search activities on your log ((~~will~~)) may be verified ((~~whenever the department has a question about the information reported. In addition, when you are scheduled for a job search review interview, your log will be verified with the listed employers on a random basis~~)) by the department.~~

AMENDATORY SECTION (Amending WSR 10-11-046, filed 5/12/10, effective 6/12/10)

WAC 192-180-025 Job search reviews ((~~interviews~~)). (1) **What is a job search review (JSR) ((~~interview~~))?** The JSR is ((~~an interview be-~~

~~tween you and a representative of the WorkSource office or local employment center. Its purpose is to~~) a review of your job search activities by the department. At a minimum, the department will review your job search documentation, ~~((identify any barriers to your reemployment, develop a plan for resolving barriers that may be identified, and provide advice on how to improve))~~ your ability to work, availability for work, and your efforts to find work. The department may also promote an active search for work by directing you to resources that will assist you with your job search efforts. ~~((For interstate claimants, this interview may be conducted by telephone or by the local employment center in a contracted state.))~~

(2) **Will my job search activities be reviewed?** Yes, you must ~~((bring))~~ provide your job search log to the ~~((interview))~~ department when requested. The ~~((interviewer))~~ department will review your log ~~((with you and discuss))~~, review your eligibility for benefits as required by RCW 50.20.010 (1)(c), and, when appropriate, provide feedback on areas in which your job search can be improved~~((The employer contacts and job search activities included in your log will be verified at random. The interviewer may further verify any reported contacts at his or her discretion))~~.

(3) **How many weeks will be reviewed?** The ~~((interviewer))~~ department will review at least one week of your job search documentation at the initial ~~((interview))~~ JSR.

(a) If the documentation shows you met the job search requirements for that week, no further action will be taken at that time except as provided in WAC 192-180-020(2). You may be scheduled for another JSR at a later date.

(b) If the documentation shows that you substantially complied with the job search requirements, you will not be scheduled for an all weeks JSR. However, your benefits may be denied for that week and the department will issue you a work search directive explaining how your job search efforts or documentation of those efforts must be modified.

(c) If the job search documentation ~~((is unsatisfactory))~~ fails to show that you substantially complied with the job search requirements, the department will reschedule you for a second ~~((interview))~~ JSR in which ~~((we will review))~~ your ~~((documentation))~~ job search for all weeks claimed will be reviewed.

(4) **What happens if I ~~((don't attend))~~ do not participate in the initial JSR ~~((interview))~~?** If you fail to ~~((attend))~~ participate in the initial JSR ~~((interview and you have an*))~~, the department will determine if your failure is excused or unexcused.

(a) If you have an excused absence, ~~((WorkSource staff))~~ the department will reschedule you for a ~~((review))~~ JSR of one week of your job search documentation.

You may be excused from ~~((attending))~~ participating in the initial JSR ~~((interview))~~ only for ~~((the following reasons))~~ good cause:

(i) ~~((Jury duty*))~~ Your illness or disability or that of a member of your immediate family that prevents you from participating;

(ii) ~~((National Guard duty*))~~ Your employment or presence at a job interview scheduled with an employer;

(iii) Natural disaster or similar acts of nature; or

(iv) ~~((Verifiable employment or a job interview.))~~

~~(b) Unexcused absence, the following will apply:~~

~~(i))~~ Factors specific to your situation which would prevent a reasonably prudent person in similar circumstances from participating.

(b) If you have an unexcused absence, the department will:

~~(i) Schedule you for ((an interview in which we will review)) a JSR of your job search activities for all weeks claimed; and~~

~~(ii) ((The department will)) Deny your benefits for the week of the initial ((interview)) JSR unless you can show good cause for not ((attending)) participating. (See WAC 192-180-030.)~~

(5) **What does "all weeks" mean?** For purposes of this section, "all weeks" means the latest of the following:

(a) Weeks claimed since you filed your application for benefits; or

(b) Weeks claimed since your last all weeks JSR ((interview, if applicable)).

~~(6) ((Do I need to bring anything else to)) **Will the department verify my identity at the JSR interview?** Yes, you must be prepared to ((present proof of your identity during the JSR interview. Acceptable documents are:~~

~~(a) State or government issued driver's license or identification card with photo;~~

~~(b) U.S. passport (expired or unexpired);~~

~~(c) Permanent resident card or alien registration receipt card (Form I-551);~~

~~(d) Unexpired employment authorization document, with photo;~~

~~(e) School identification card with photo;~~

~~(f) Voter's registration card;~~

~~(g) U.S. military identification card or draft record;~~

~~(h) Military dependent's identification card;~~

~~(i) U.S. Coast Guard merchant mariner card; or~~

~~(j) Native American tribal document)) provide the department with sufficient information to verify your identity.~~

AMENDATORY SECTION (Amending WSR 05-01-076, filed 12/9/04, effective 1/9/05)

WAC 192-180-030 ((Penalties.)) Are there penalties if I do not comply with the job search monitoring program? (1) ((Is there a penalty if I don't look for work or fail to report for the JSR interview as directed?)) If you fail to participate in a JSR when directed, benefits will be denied under RCW 50.20.010(1) for the specific week or weeks in which you failed to participate.

(2) Benefits will be denied ((if)) under RCW 50.20.010 (1)(c) for the specific week or weeks in which you fail to:

(a) Meet the minimum job search requirements;

(b) Provide information about your job search activities ((and, once you have been paid five weeks of benefits,));

(c) Provide a copy of your job search logs upon request if you have been paid five or more weeks of benefits; or

~~((e)) (d) Comply with any job search directive issued by the department(;-or~~

~~(d) Report to a scheduled job search review interview.~~

~~(2) **How long will my benefits be denied?** Benefits will be denied for the specific week or week(s) in which you fail to act as described in subsection (1).~~

~~(3) **What is the penalty if I don't attend a JSR that has been scheduled to review all weeks claimed?** If you fail to appear for a review of your job search logs for all weeks claimed, fail to produce~~

~~your job search logs for those weeks, or your logs fail to establish that you have met the minimum job search requirements, such failure will be treated as nondisclosure under RCW 50.20.160(3) and your benefits may be denied for any weeks at issue).~~

(e) Such failure will be considered misrepresentation for purposes of redetermination under RCW 50.20.160(3). Such misrepresentation, however, will not be treated as fraud unless all criteria in WAC 192-100-050(1) are established.

(3) If you fail to participate in an all weeks JSR without good cause, benefits are denied under RCW 50.20.010 (1)(c) and 50.20.240. The denial is indefinite and will continue until you participate in a scheduled JSR with the department.