

**WAC 192-110-015 Applications by standby workers—RCW 50.20.010.**

(1) **What is "standby?"**

(a) "Standby" means you are temporarily unemployed because of a lack of work but:

(i) You expect to return to work with your regular employer((~~-~~)) within four weeks; or

(ii) You expect to begin full-time work with a new employer within two weeks; or

(iii) You are temporarily unemployed due to natural disaster.

(b) You do not have to register for work or look for other work while you are on standby.

(c) You must be available for all hours of work offered by your regular employer.

(2) **How long can I be on standby?**

(a) You can ask to be on standby for up to four weeks, beginning with the date of the request.

(b) We will ask your employer to verify that you are on standby and your expected return to work date:

(i) If your employer does not reply, you can be on standby for up to four weeks;

(ii) If your employer confirms you are on standby, you can be on standby for up to four weeks or until the return to work date given by your employer, whichever is earlier;

(iii) If your employer replies that you are not on standby or do not have a return to work date within eight weeks, we will require you to immediately register for work and to look for work.

(c) Your regular employer may ask to extend your standby status for more than four, but no more than eight, weeks (except as provided in (2)(d) below). This request must be approved by the department. We will consider the following before deciding whether to approve standby for more than four weeks:

(i) How long you have been out of work;

(ii) Whether other suitable work is available;

(iii) The impact on you and your employer if you accept other work; and

(iv) Other factors that apply to your situation.

(d) At his or her discretion, the commissioner may grant standby for more than eight weeks in a benefit year. Exceptions can be made due to natural disaster. Exceptions can also be made in other extraordinary circumstances when the employer ((~~must apply~~)) applies in writing and shows there are conditions that apply to the business that are so unique or unusual compared to similar businesses that having their employees on standby for more than eight weeks is necessary.

(e) We can approve standby if you have obtained a definite offer of bona fide ((~~job with a new employer~~)) full-time work that has a ((~~definite~~)) probable start date within ((~~four~~)) two weeks, which includes the week of the job offer and up to two additional weeks. If the standby request under this subsection is part of your initial claim, standby begins with the date of the request.

(f) The job, however, must be ((~~in employment~~)):

(i) With a new employer or with a former employer to whom you are no longer attached as provided in subsection (3)(f) of this section; and

(ii) Covered by Title 50 RCW or the comparable laws of another state or the federal government.

**(3) Are there conditions that apply to a request for standby?**

(a) You must have a ((definite)) probable date when you will return to work for your regular employer;

(b) We will not approve standby if you only have prospects of future work with ((the)) your regular employer((~~7~~)) or a promise of more work at some unspecified date((~~, or when the return to work date depends on conditions beyond the employer's control, such as weather~~));

(c) We will not approve standby with your regular employer unless the employment is covered by Title 50 RCW or the comparable laws of another state or the federal government;

(d) Except for claimants who qualify as part-time eligible workers under RCW 50.20.119, we will not approve standby if you regularly work ((fewer than)) less than full-time. For purposes of this section, "full-time" means forty hours each week ((for the employer; and

~~(d) Except as provided in subsection (2)(d), we will not approve standby for more than eight weeks in any benefit year.)) or the number of hours that are full-time for your occupation and labor market area;~~

(e) Any week(s) that you do not qualify for benefits ((because of your earnings)) will not be considered as part of the maximum eight weeks((-)) of standby; and

(f) After eight consecutive weeks of unemployment, we will no longer consider you attached to that employer. You must meet the job search requirements specified by RCW 50.20.010 (1)(c) and 50.20.240.