

UNEMPLOYMENT QUESTIONS
COMPENSATION *and* ANSWERS

STATE OF WASHINGTON

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Governor



Compiled by office of
Unemployment Compensation
and Placement



Washington Unemployment Compensation Program

Washington's Unemployment Compensation Program became effective on January 1, 1937, and from that date, the State of Washington began the administration of the act in the general interest of the employers, the workers, and the general public.

Benefit payments, as prescribed by law, did not begin until two years later, or January 1, 1939. Since that time totally or partially unemployed eligible workers have received weekly benefit payments. These payments have acted as a buffer against the hazards of unemployment and have enabled the worker to maintain, to a degree, his purchasing power.

The benefit payments which the worker receives are made from a fund collected by the Office of Unemployment Compensation and Placement. The money paid into this fund is deposited in a special trust fund with the United States Treasury in Washington, D. C., where it draws interest. Neither principal nor interest is used for any purpose other than for paying benefits. Administrative costs are provided for by special grants from the United States Government.

It is estimated that for the 12 month period beginning July 1, 1941, there will be approximately 540,000 covered workers. The number of employers who will make this job insurance possible during this same period is approximately 40,000.

The following questions and answers explain the act in greater detail.

Q. Who is covered by the unemployment compensation law?

A. Starting July 1, 1941, employees of all employers are covered without regard to the duration of employment, or the number of persons employed except:

Agricultural labor, domestic services in a private home, members of the crew of a vessel, government employees, a minor in the employ of his father or mother, a parent in the employ of a son or daughter, insurance agents or solicitors on a commission basis only, newsboys delivering papers on the street or from house to house, employees of certain non-profit organizations, casual labor not in the usual course of the employer's business (this does not include temporary labor in the usual course of employer's business), and certain miscellaneous specific payroll exemptions such as retirement pay, dismissal wages, etc.

If you desire additional information regarding the Unemployment Compensation Act, or the Washington State Employment Service, we suggest that you contact the nearest office of the Employment Service. The addresses of these offices are listed on the back cover.

The information contained in this pamphlet does not have the effect of law, regulation or ruling.

Q. What is a "subject" employer?

A. An employer covered by the Washington Unemployment Compensation Act.

Q. What is meant by "seasonal" employer?

A. For practical purposes, a "seasonal" employer is one who is required to report wages of his employees as "seasonal wages" if such wages are earned during that period of the year designated as the period of seasonal operations.

EMPLOYER MAKES CONTRIBUTIONS

Q. How is the Unemployment Compensation trust fund maintained?

A. By contributions from employers subject to the law.

Q. What does the subject employer contribute to the fund?

A. 2.7 per cent (2.7%) of the first \$3,000 of the worker's annual wages payable with respect to covered employment during the calendar year.

Q. Does the worker make any contributions?

A. No.

Q. May a subject employer deduct part of his contribution from a worker's wages?

A. No.

Q. Can a worker agree to pay any part of his employer's contribution?

A. No. Such agreements are not legal.

Q. Do amounts paid by Unions to a member for time lost from his regular employment while conducting negotiations for the Union constitute wages subject to contributions?

A. Yes. Labor Unions are not exempt employers and are liable for wages paid. Elective officers, committee members and delegates who are paid for their services must be considered employees.

Q. Does the Unemployment Compensation Division keep a record of the wages earned in "covered" employment?

A. Yes.

Q. How does the Unemployment Compensation Division secure this information?

A. Subject employers are required to report every three months the Social Security number and the names and earnings of all persons who worked in covered employment for them during the preceding three months.

Q. When are these reports made?

A. In the first month following the close of each calendar quarter.

Q. What is a calendar quarter?

A. A calendar quarter is a three-months period composed of the following months:

- | | |
|----------------------------|-------------------------------|
| (1) January-February-March | (3) July-August-September |
| (2) April-May-June | (4) October-November-December |

Q. Who are eligible for benefits?

A. Those workers who have been in covered employment and have earned sufficient wage credits.

Q. What constitutes sufficient wage credits?

A. A worker has sufficient wage credits if he earns \$200 in his base year.

WAGE CREDITS DEFINED

Q. What constitutes sufficient wage credits in the case of a part-time worker?

A. The part-time worker must earn \$200 in his base year and at least \$75 in one quarter. Wages are the earnings actually earned and not the net amount paid the worker after making Social Security, Medical Aid, and any other exemptions.

Q. What is meant by the term "wages"?

A. "Wages" means all remuneration payable for personal services, including commissions and bonuses and the cash value of all compensation payable in any medium other than cash, such as board and room, working out debts, etc. Reasonable cash value of remuneration for personal services payable in any medium other than cash is to be reported by the employer.

Q. Are salaries paid during vacations considered wages and subject to the law?

A. Yes. Such payments are regarded as actually being additional wages for services rendered during other portions of the year.

Q. If the wages earned by employees are paid from the main office of the employer outside the state, are the employer and his employees covered by the law?

A. Yes. The fact that wages are paid from a source outside the state does not exempt the employer from the law, if the employer is doing business in this state and his employee performs all or the greater portion of his services in this state.

Q. Does the law make exception of casual labor?

A. Yes.

Q. What is casual labor?

A. Casual labor is labor not in the course of the employer's trade or business (labor which does not promote or advance the trade or business of the employer). Temporary labor in the usual course of an employer's trade or business shall not be deemed to be casual labor.

Q. Are apprentices in various trades and crafts subject to the law?

A. Yes. No exceptions are granted for such employees.

EARNINGS DETERMINE BENEFITS

Q. Do earnings determine the weekly benefits?

A. Yes. The weekly benefit amount is determined by dividing the highest quarterly earnings of the base year by 20. No weekly benefit amount, however, can be more than \$15 or less than \$7.

Q. What is meant by the term "base year"?

A. The "base year" is the first four of the last five completed calendar quarters previous to the date the claimant filed his initial benefit claim.

Q. If a claimant filed his initial claim in June, 1941, what is his base year?

A. January 1, 1940 to December 31, 1940. (January-February-March of 1941 is his lag quarter.)

Q. For what purposes are the base year records used?

A. To determine the weekly benefit amount, and also to determine how long the weekly benefits may continue.

Q. How long may benefits continue?

A. A claimant may not be paid during the 52 weeks following his initial claim more than $\frac{1}{2}$ of the wage credits earned during his base year, or 16 times his weekly benefit, whichever is the lesser amount.

Q. What use of the classification of wages as seasonal or non-seasonal is made by the Unemployment Compensation Division?

A. It is the means by which claimants are determined seasonal or non-seasonal.

Q. Who is a "seasonal worker"?

A. A "seasonal worker" is an individual who earned 80% or more of his total base year wages from a seasonal employer in seasonal employment. However, all wages earned outside of the period which has been designated as seasonal for his employer are counted as non-seasonal wages.

Q. Why is this important?

A. A "seasonal worker" is not legally entitled to benefits for unemployment unless such unemployment occurs during the seasonal period determined for his employer.

Q. Is a worker who is hired in Washington but works in Alaska and returns to Washington during the off-season covered by the law?

A. Such workers shall be regarded as under the Alaska Unemployment Compensation Act for all wages earned while working in covered employment in Alaska.

Q. If the worker has wage credits in Washington, how does he obtain benefits from this state when he is totally unemployed in another state?

A. If the worker has received all the benefits to which he is entitled from the state in which he is unemployed, or if he has no benefit rights in that state, he should report at the nearest local State Employment Service office in that state and file a claim against the Washington Unemployment Compensation Division. His claim will then be forwarded to this state and processed in the same manner as a claim filed in this state.

INTER-STATE CLAIMS

Q. If the worker has wage credits in two or more states, how does he obtain benefits when he is totally unemployed in another state?

A. If the worker has received all the benefits to which he is entitled from the state in which he is unemployed, or if he has no benefit rights in that state, he should report at the nearest local office of the State Employment Service in that state and file an interstate claim for benefits against the state where he first earned wages in covered employment. When these benefit rights have been exhausted, he then files an interstate claim against the state in which he next earned wages in covered employment.

Q. Can wage credits be earned by workers in covered employment regardless of their age?

A. Yes. The law places no age limitation upon the worker.

Q. Does a worker need to be a citizen of the United States to come under the law?

A. No.

HOW A WORKER FIGURES HIS BENEFIT CLAIM

SUPPOSE HE FILES A CLAIM IN JUNE, 1941. THIS IS THE MONTH

1940

1941

	①	②	③	④	⑤														TOTAL WAGES IN BASE YEARS
	JAN.	FEB.	MAR.	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.	MAY	JUNE	
CASE No. 1		\$100 ⁰⁰			\$300 ⁰⁰			\$100 ⁰⁰			\$250 ⁰⁰								TOTAL \$750 ⁰⁰
CASE No. 2		\$ 91 ⁰⁰			\$125 ⁰⁰			\$120 ⁰⁰			\$120 ⁰⁰								TOTAL \$456 ⁰⁰
CASE No. 3		\$ 40 ⁰⁰			\$100 ⁰⁰			\$ 30 ⁰⁰			\$ 20 ⁰⁰								TOTAL \$190 ⁰⁰
<p>← THESE FOUR QUARTERS ARE THE BASE YEARS →</p> <p>In this quarter they earned amounts shown above.</p> <p>In this quarter they earned amounts shown above.</p> <p>In this quarter they earned amounts shown above.</p> <p>In this quarter they earned amounts shown above.</p> <p>THIS WOULD BE HIS LAG QUARTER</p> <p>THIS WOULD BE HIS CURRENT QUARTER</p>																			

EXPLANATION

Case No. 1. The weekly benefit amount is 1/20 of \$300 (which is the highest quarterly earnings) or \$15. The law provides that, for total unemployment, the weekly benefit amount cannot be more than \$15 or less than \$7. The maximum amount the worker can receive during his benefit year is \$240. The law provides the maximum amount shall equal 1/3 of his base year earnings or 16 times his weekly benefit amount, whichever is the lesser amount. In this case 16 times \$15 equals \$240, and is less than 1/3 of his base year earnings.

If the worker is totally unemployed he can receive \$15 per week for 16 weeks.

Case No. 2. The weekly benefit amount is \$7 since 1/20 of the highest quarterly earnings amount to \$6.25 and the weekly benefit amount cannot be less than \$7.

The maximum amount the worker can receive is 1/3 of \$456 (his base year earnings) which is \$152, or 16 times \$7 (his weekly benefit amount) which is \$112. In this

instance the total amount of benefits which he can receive is \$112 which is less than \$152.

If the worker is unemployed he can receive \$7 per week for 16 weeks.

Case No. 3 The claim is ineligible since a worker must have earned at least \$200 in covered employment in his base year. In this instance the worker earned but \$190.

Note: If partially unemployed, the amount the worker receives will be an amount which equals the weekly benefit amount less the amount earned over \$3.

If the worker in Case No. 1 and Case No. 2 earned \$5 in a week of partial employment, the amount to be deducted from their weekly benefit amount would be \$2 since the first \$3 of earnings in any week of partial employment are not counted. Thus the worker in Case No. 1 would receive \$15 minus \$2 or \$13; Case No. 2 would receive \$7 minus \$2 or \$5.

Q. Where should the worker go to make application for unemployment benefits?

A. To the nearest office of the Washington State Employment Service.

Q. How about the worker who lives in another state, and has wage credits in Washington?

A. Such a worker should file his claim with the nearest office of the State Employment Service in the state where he lives.

Q. When may such a worker expect to receive his weekly benefits?

A. Upon fulfillment of the same requirements of the law to which the worker is held if unemployed within this state, his claim will be processed and paid as quickly as possible.

FILE CLAIM IMMEDIATELY

Q. When should the claimant register for work and file his benefit claim?

A. The day he becomes unemployed. The claimant must report at a State Employment Service office once during each calendar week for which he intends to claim any credit. This reporting must be done at a designated time in order to renew his registration and also to establish his availability for work. The claimant must report also during the following week in order to certify to his earnings and eligibility during the whole of the previous calendar week.

Q. When moving from place to place in search of work what should a claimant do?

A. The claimant should notify the State Employment Service office in the area he is leaving immediately before he leaves, and the office of the State Employment Service in that area where he is going upon his arrival in that area.

Q. Is the employer required to hand any official notice form to the worker who becomes unemployed?

A. Yes. The worker should receive a form titled "How to Apply for Benefits." The worker is expected to present this notice when he files his claim at the Employment Service office.

Q. Should the worker sign this notice?

A. He should sign it in order to provide identification at the State Employment Service.

Q. Does the Unemployment Compensation Division require the employer to furnish any report when work is terminated?

A. Yes. A separation report must be sent to the Central Office only when there is one of three reasons for possible disqualifications.

1. Quitting without good cause.

2. Misconduct connected with the work.

3. Other reasons.

Q. When does the claimant become eligible for benefits?

A. Generally after a waiting period of two weeks. If the worker is still without work during the third week, he ordinarily will be certified for benefits after that week expires. He will ordinarily receive the benefit warrant for the third week sometime during the fourth week.

Q. Has the claimant the right of appeal if he is denied benefits, or if the benefit amount is less than that which he believes is due him?

A. Yes.

Q. May a worker draw benefits if he becomes ill?

A. No. The worker must be able to work at all times. In this instance he would not be considered as being available for work.

Q. What is meant by being available for work?

A. To be available for work, an individual must be ready, able and willing immediately to accept any suitable work which may be offered him, and must be actively seeking work.

MUST ACCEPT SUITABLE WORK

Q. Will the claimant be expected to do work which he has never done?

A. The work offered him must be suitable. It must be in the field of his ability, and the rate of pay must be reasonable.

Q. Who pays the benefits to those who qualify?

A. The Unemployment Compensation Division, of the State Office of Unemployment Compensation and Placement, through the Washington State Employment Service, a division thereof.

Q. What is a calendar week?

A. A calendar week is the period beginning 12:01 a. m. Sunday morning and closing at 12 midnight the following Saturday. All reports which the claimant makes are for the calendar week which ended the previous Saturday midnight.

- Q. Can a single week of unemployment be counted as waiting period?
- A. Yes. The waiting period weeks need not be consecutive. No claimant will be required to serve more than two weeks of waiting period, whether consecutive or not, during his benefit year.
- Q. How about waiting period as regards "seasonal workers"?
- A. No waiting period credit can be granted to a "seasonal worker" for any week outside the seasonal period.

PARTIAL UNEMPLOYMENT

- Q. How is waiting period credit determined in the case of partially unemployed persons?
- A. A full week's credit as waiting period is given for each week of partial unemployment. The worker could in two weeks of partial unemployment serve his waiting period.
- Q. If a worker is discharged and given two weeks' wages in lieu of notice when will his waiting period start?
- A. His waiting period will start upon termination of his employment, providing he files his claim at that time.
- Q. What is "partial" employment?
- A. Such unemployment is said to exist when a claimant remains with his regular employer but has his weekly earnings reduced to less than his weekly benefit amount because of reduced working time.
- Q. Is such a worker entitled to benefits?
- A. Yes. The amount of his earnings less \$3.00 is subtracted from his "weekly benefit amount" to determine his "partial" benefits.
- Q. How may a worker claim partial benefits?
- A. The worker's employer will give him a notice "How to Apply for Benefits" when the worker first appears to be eligible.
- Q. When this happens, what is the next step for the worker to follow?
- A. The worker may call at the nearest State Employment Service office and register, or, if circumstances warrant, arrangements will be made between the worker's employer and the State Employment Service to have a representative of the Employment Service call at the employer's place of business for the purpose of taking claims.
- Q. Suppose the employer fails to hand the worker the notice?
- A. The worker still has the right to file his claim at the State Employment Service.

- Q. Is it necessary for the partially unemployed worker to file the claim during the week for which benefits are claimed?
- A. No. "Partial" benefits for any week may be claimed at any time during the four calendar weeks following such week.
- Q. Do these rules apply to persons who have only casual or odd-job earnings?
- A. No. Benefits for claimants who have only casual or odd-job earnings will be computed in the same manner as those for "partial" unemployment. The above rules covering "partial" benefits apply only to claimants who remain attached to their regular employer in the hope that the full-time work which formerly existed may be restored.
- Q. May creditors of any person entitled to benefits obtain such money by legal process?
- A. No. Creditors are restrained from all ordinary process of law in attaching benefits paid workers.
- Q. Is an employee who has been discharged because of misconduct connected with his former work entitled to benefits?
- A. Yes. In such a case, however, the worker will be required to wait from two to five weeks longer in addition to the waiting period before benefits are payable.

WHEN WORKER VOLUNTARILY QUILTS

- Q. Is the worker who voluntarily quits his job without good cause entitled to benefits?
- A. An individual who voluntarily quits work for personal reasons not directly connected with or related to the employment in which he or she is engaged at the time of such voluntary quitting, such as voluntary quitting to get married, quitting or being required to terminate the employment because of pregnancy, or voluntary quitting to remove to another location, town, community or locality too remote or distant to commute to and from the employment, shall be deemed to be not available for work until such individual has, subsequent to so terminating his employment, earned wages in employment subject to this act or subject to the unemployment compensation law of another state or of the United States, of at least fifty dollars (\$50.00) and been employed in four separate calendar weeks. In no case shall an individual be deemed available for work unless such individual is able and available for work in his usual trade or occupation, including such individual's most recent employment.

Q. Is a claimant disqualified if he refuses work?

A. That depends upon the reason, or reasons, for refusing the work. If suitable work is refused he will be subject to a penalty period of from one to five weeks in addition to the ordinary waiting period. Benefits may not be denied under any of the following conditions:

1. If the position offered is vacant due directly to a strike, lockout or labor dispute.
2. If the wages, hours or other working conditions offered are substantially less favorable than those prevailing for similar work in the locality.
3. If, as a condition of being employed, the individual would be required to join a company union, or resign from or refrain from joining any bona-fide labor organization.

WHEN OVERPAYMENTS ARE MADE

Q. What is meant by the term "overpayment"?

A. This term means that benefits have been received contrary to law.

Q. In case of overpayment, must such payments be refunded by the claimants?

A. Yes. If they are not, the state will institute suit to recover the overpayment.

Q. How may the worker avoid making any false representation?

A. By stating all the facts relating to his claim to the interviewer. The booklet entitled "Identification Card" will also help the worker to know what to do in making his claims. Ignorance of the law is NO EXCUSE for misrepresentation of, or failure to reveal any material facts in connection with the filing of an initial or continued claim.

Q. Will the Washington State Employment Service try to find work for those who apply for benefits?

A. Yes. The State Employment Service will give any worker all possible assistance in finding employment, but the worker is expected also to try and find work.

Severe Penalties Prescribed For Illegal Claims

SEVERE penalties are prescribed by law for those applicants who make false statements and/or misrepresentations when filing a claim for benefits under the Washington Unemployment Compensation Act.

The worker who makes such false statements or misrepresentations in filing his claim is liable to a fine of \$200 or 60 days in jail, or both, for each false statement or misrepresentation, or for failure to disclose any material fact.

In addition to these penalties, the worker is subject also to a disqualification for the receipt of benefits for the next following 26 weeks for each false statement or misrepresentation in filing his claim, or for failure to disclose any material fact.

Claimants who use the mails in filing fraudulent benefit claims are subject to prosecution by the United States Government for using the mails to defraud. This may also apply to signed continued claim cards sent to the State Central Office through the local Employment Service Office.

The Washington State Employment Service has offices in the following cities. Here they are arranged alphabetically:

Bellingham	1143 State St.
Bremerton	650. 4th St.
Chehalis	804 Market St.
Colville	R. E. Lee Bldg.
Ellensburg	305 North Main St.
Everett	1801 Hewitt Ave.
Hoquiam	8th and J Sts.
Longview	1436 Commerce St.
Mt. Vernon	309 Kincaid St.
Olympia	522 Capitol Way
Port Angeles	110 North Lincoln
Raymond	406 1st St.
Seattle	4th Ave. and James St.
Spokane	S. 309 Howard St.
Tacoma	112 So. 12th St.
Vancouver	400 Washington St.
Walla Walla	212 W. Alder St.
Wenatchee	138 So. Wenatchee Ave.
Yakima	101 So. 1st St.

At the following itinerant points, persons can register for work and file applications for benefits only on the days named and at the addresses given:

<i>Itinerant Point</i>	<i>Address</i>	<i>Day and Type of Service</i>
Auburn	8 "B" St., N. E.	Tuesday, P. M. Weekly
Brewster	City Hall	Wednesday, P. M. Bi-weekly
Buckley	C.I.O. Union Hall	Thursday Weekly
Cathlamet	Court House	Friday Weekly
Chelan	City Hall	Tuesday Bi-weekly
Chewelah	City Hall	Tuesday, P. M. Bi-weekly
Clallam Bay	Union Hall	Wednesday Bi-weekly
Clarkston	City Hall	Wednesday Bi-weekly
Clayton	Old Post Office	Tuesday, A. M. Bi-weekly
Cle Elum	So. Pennsylvania Ave.	Friday, A. M. Weekly
Colfax	City Hall	Thursday, P. M. Bi-weekly
Concrete	City Hall	Thursday Weekly
Coulee City	City Hall	Monday, P. M. Weekly
Cusick	City Hall	Wednesday Bi-weekly
Darrington	Community Hall	Thursday Weekly
Davenport	Court House	Friday, A. M. Bi-weekly
Dayton	Wash.-Idaho Seed Co. Office	Wednesday Bi-weekly
Eatonville	City Hall	Friday, P. M. Bi-weekly
Elbe	Ray's Service Station	Friday, A. M. Bi-weekly
Elma	City Hall	Thursday Weekly
Ephrata	City Hall	Monday, A. M. Weekly
Forks	Union Hall	Wednesday Bi-weekly
Garfield	City Hall	Thursday, A. M. Bi-weekly
Grand Coulee	City Hall	Tuesday Weekly
Grandview	City Hall	Tuesday Bi-weekly
Ilwaco	City Hall	Wednesday Bi-weekly
Ione	City Hall	Thursday, P. M. Bi-weekly
Issaquah	Town Hall	Thursday, A. M. Bi-weekly
Kent	City Hall	Tuesday, A. M. Weekly
Lynden	City Hall	Thursday, A. M. Weekly
Metaline Falls	City Hall	Thursday, A. M. Bi-weekly
Naches	City Hall	Thursday Weekly
Newport	City Hall	Tuesday Bi-weekly
Omak	City Hall	Wednesday Bi-weekly
Oroville	City Hall	Tuesday, A. M. Bi-weekly
Oso	General Store	Thursday Weekly
Pasco	County Court House	Wednesday Bi-weekly
Pomeroy	County Court House	Wednesday Bi-weekly
Port Townsend	Federal Bldg.	Thursday Weekly
Pullman	City Hall	Thursday, P. M. Bi-weekly
Puyallup	City Hall	Wednesday Weekly
Renton	City Hall	Thurs. and Friday Weekly
Republic	Court House	Friday Bi-weekly
Ritzville	Court House	Friday, P. M. Bi-weekly
Robe	Post Office	Thursday Weekly
Roslyn	Union Hall	Friday, P. M. Weekly
Sequim	Benjamin Franklin Store	All week
Shelton	Court House	Tuesday Weekly
Snoqualmie	Town Hall	Saturday Bi-weekly
Stevenson	Court House	Wednesday Bi-weekly
Sultan	City Hall	Tuesday Weekly
Sumner	Bus Terminal Bldg.	All week
Tonasket	City Hall	Tuesday, P. M. Bi-weekly
Twisp	City Hall	Wednesday, A. M. Bi-weekly
White Salmon	Fire Hall	Thursday Bi-weekly
Zillah	City Hall	Tuesday Bi-weekly

Above is subject to change without notice.