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Title 22@ Social Security

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Division 1@ Employment Development Department

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Subdivision 1@ Director of Employment Development

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Division 1@ Unemployment and Disability Compensation

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Part 1@ Unemployment Compensation

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Chapter 3@ SCOPE OR COVERAGE

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Article 4@ ELECTIVE COVERAGE

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Section 701-2@ Elective Coverage -Retroactive Coverage

## 701-2 Elective Coverage -Retroactive Coverage

Notwithstanding any other provision of these regulations, if an employing unit or individual has service performed for it or him or her which is not subject to the compulsory coverage provisions of the code, but through error, inadvertence, or other reason, has reported and paid contributions to the Unemployment Fund or Disability Fund, such action:

### (a)

May be construed at the option of the director and with the consent of the local public entity or school employer authorized to elect coverage pursuant to Section 709, 710.4 or 710.5 of the code as an election by the local public entity or school employer that such nonsubject service become subject to disability insurance coverage under the code as of the commencement of the period to which the contributions relate or for the period to which the contributions relate.

### (b)

May be construed at the option of the director and with the consent of a public entity authorized to elect unemployment insurance coverage pursuant to Section 710 of the code as an election by the public entity that such nonsubject service become subject to unemployment insurance coverage under the code as of the commencement of the period to which the contributions relate or for the period to which the contributions relate. Unless an election is also made by a local public entity or school employer for disability insurance coverage under subdivision (a)

of this section, any withheld worker contributions shall be refunded in accordance with these regulations since no election for disability insurance coverage is authorized under Section 710 of the code.

**(c)**

May be construed at the option of the director and with the consent of the employing unit or individual authorized to elect coverage pursuant to Section 701, 702, 702.1, or 703, or subdivision (a) of Section 708 of the code as an election by the employing unit or individual that such nonsubject service become subject to the code as of the commencement of the period to which the contributions relate or for the period to which the contributions relate.

**(d)**

May be construed at the option of the director and with the consent of the employing unit or individual authorized to elect coverage pursuant to Section 702.5 or 708.5 or subdivision (b) of Section 708 of the code as an election by the employing unit or individual that such nonsubject service become subject to disability insurance coverage under the code as of the commencement of the period to which the contributions relate or for the period to which the contributions relate.