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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 5@ UNEMPLOYMENT COMPENSATION BENEFITS

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Article 2.4@ WORK SHARING UNEMPLOYMENT INSURANCE BENEFITS

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Section 1279.5-9@ Refusal to Approve Work Sharing Plan

1279.5-9 Refusal to Approve Work Sharing Plan

(a) The director may refuse to approve a new or subsequent work sharing plan for good cause. Good cause shall include but not be limited to: (1) The work sharing employer's failure to comply with the timeliness requirements contained in Section 1279.5-5 of these regulations with respect to a prior work sharing plan submitted by that work sharing employer, or (2) The work sharing employer's failure to provide the information (described in Section 1279.5-5 of these regulations) necessary to process claims under a prior work sharing plan submitted by that work sharing employer, or (3) The work sharing employer willfully providing false information, or withholding material information, related to the approval of a prior work sharing plan submitted by that work sharing employer, or (4) The work sharing employer including employees in the work sharing plan who are leased or temporary service employees from another employer, or (5) The work sharing employer including employees in the work sharing plan who are provided to another employer either as leased or temporary service employees.

(1)

The work sharing employer's failure to comply with the timeliness requirements contained in Section 1279.5-5 of these regulations with respect to a prior work sharing plan submitted by that work sharing employer, or

(2)

The work sharing employer's failure to provide the information (described in Section 1279.5-5 of these regulations) necessary to process claims under a prior work sharing plan submitted by that work sharing employer, or

(3)

The work sharing employer willfully providing false information, or withholding material information, related to the approval of a prior work sharing plan submitted by that work sharing employer, or

(4)

The work sharing employer including employees in the work sharing plan who are leased or temporary service employees from another employer, or

(5)

The work sharing employer including employees in the work sharing plan who are provided to another employer either as leased or temporary service employees.

(b)

The director may elect to apply an exception and approve a subsequent work sharing plan if the work sharing employer provides assurances satisfactory to the department that similar negligent or willful acts or failures to act will not take place with respect to the new work sharing plan.

(c)

The employer may submit a request for review of the disapproved work sharing plan to the director's work sharing administrator. The request shall be submitted within twenty (20) days of the mailing date of the notice of disapproval. The request shall include the following information: (1) The name of the business, (2) The employer's California employer account number, (3) The requested effective date of the disapproved work sharing plan, and (4) A statement by the employer

supporting its position as to why the director does not have good cause to disapprove the work sharing plan.

(1)

The name of the business,

(2)

The employer's California employer account number,

(3)

The requested effective date of the disapproved work sharing plan, and

(4)

A statement by the employer supporting its position as to why the director does not have good cause to disapprove the work sharing plan.

(d)

The director's work sharing administrator shall conduct the review and determine whether or not good cause exists for the disapproval of the work sharing plan.(1)

If the director's work sharing administrator determines that the work sharing plan was disapproved with good cause, the director's work sharing administrator shall mail written notification of the decision to the employer within twenty (20) days of receipt of the request for review. (2) If the director's work sharing administrator determines that the work sharing plan was disapproved without good cause, the director's work sharing administrator shall mail written notification of the decision to the employer within twenty (20) days of receipt of the request for review. The written decision shall also notify the employer of the effective date of the work sharing plan.

(1)

If the director's work sharing administrator determines that the work sharing plan was disapproved with good cause, the director's work sharing administrator shall mail

written notification of the decision to the employer within twenty (20) days of receipt of the request for review.

(2)

If the director's work sharing administrator determines that the work sharing plan was disapproved without good cause, the director's work sharing administrator shall mail written notification of the decision to the employer within twenty (20) days of receipt of the request for review. The written decision shall also notify the employer of the effective date of the work sharing plan.

(e)

The director's work sharing administrator's decision on the approval or disapproval of a work sharing plan is the final administrative decision.