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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 1279.5-3@ Effective Date of Work Sharing Plan

## 1279.5-3 Effective Date of Work Sharing Plan

(a) An application for a new work sharing plan must be mailed and have a postmark date within 28 days of the first contact date to be considered timely. (1) If a timely application for a new work sharing plan has been submitted to the department, the effective date of the work sharing plan shall be no earlier than the Sunday before the first contact date with the department to apply for the work sharing program. If the contact is made by mail, the postmark date of the envelope containing the employer's correspondence shall be considered the first contact date.

### (1)

If a timely application for a new work sharing plan has been submitted to the department, the effective date of the work sharing plan shall be no earlier than the Sunday before the first contact date with the department to apply for the work sharing program. If the contact is made by mail, the postmark date of the envelope containing the employer's correspondence shall be considered the first contact date.

### (b)

If a timely application for a renewal of a work sharing plan has been submitted, the effective date of the work sharing plan shall be no earlier than the day after the prior plan expires, providing the plan application is submitted no more than ten days after the prior plan expired.

**(c)**

A delayed filing of the new or renewal application shall be considered timely if good cause for the delay in filing is established. Good cause shall include: (1) A diligent attempt by the employer, as determined by the department, to obtain the required original signature on the application of the authorized person who was unavailable to sign the document within the prescribed time limit. (2) A diligent attempt by the employer, as determined by the department, to obtain the required original signature(s) on the application of the collective bargaining agent(s) who were unavailable or undecided on signing the document within the prescribed time limit.

**(1)**

A diligent attempt by the employer, as determined by the department, to obtain the required original signature on the application of the authorized person who was unavailable to sign the document within the prescribed time limit.

**(2)**

A diligent attempt by the employer, as determined by the department, to obtain the required original signature(s) on the application of the collective bargaining agent(s) who were unavailable or undecided on signing the document within the prescribed time limit.

**(d)**

The department may elect to apply two exceptions to the rule set forth above in subsection (a)(1) of these regulations as follows: (1) The Sunday after the first contact date with the department to apply for the work sharing program, if requested by the employer on the work sharing plan application, or (2) Two Sundays before the first contact date with the department to apply for the work sharing program, if one of the following conditions is met: (A) The employer's

payroll week ends on a day other than Saturday, or (B) The hours and wages of employees who will be participating in the work sharing plan will be reduced during the week which includes the Sunday before the first contact date with the department to apply for the work sharing program.

**(1)**

The Sunday after the first contact date with the department to apply for the work sharing program, if requested by the employer on the work sharing plan application, or

**(2)**

Two Sundays before the first contact date with the department to apply for the work sharing program, if one of the following conditions is met: (A) The employer's payroll week ends on a day other than Saturday, or (B) The hours and wages of employees who will be participating in the work sharing plan will be reduced during the week which includes the Sunday before the first contact date with the department to apply for the work sharing program.

**(A)**

The employer's payroll week ends on a day other than Saturday, or

**(B)**

The hours and wages of employees who will be participating in the work sharing plan will be reduced during the week which includes the Sunday before the first contact date with the department to apply for the work sharing program.

**(e)**

If the employer fails to submit a timely application, without good cause, the plan shall have an effective date no earlier than the Sunday prior to the postmark date of the application.

**(f)**

The department shall not approve a work sharing plan if the effective date is prior

to the expiration date of another work sharing plan for the same California employer account number.