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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.-10@ Termination of a Work Sharing Plan

1279.5.-10 Termination of a Work Sharing Plan

The director may terminate a 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 of Section 1279.5-5 of these regulations, unless the work sharing employer provides evidence satisfactory to the department that such failure was inadvertent, and that the work sharing employer at all times acted diligently, and without procrastination, negligence, or carelessness, or (2) The work sharing employer's failure to provide the necessary information to process the claims for work sharing benefits as contained in Section 1279.5-5 of these regulations, or (3) The work sharing employer willfully providing false information or withholding material information related to the approval of a work sharing plan, or related to the filing of certifications for work sharing benefits, for the purpose of gaining approval of the work sharing plan, or (4) The work sharing employer includes employees in the work sharing plan who are leased or temporary service employees from another employer, or (5) The work sharing employer includes 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 of Section 1279.5-5 of these regulations, unless the work sharing employer provides

evidence satisfactory to the department that such failure was inadvertent, and that the work sharing employer at all times acted diligently, and without procrastination, negligence, or carelessness, or

(2)

The work sharing employer's failure to provide the necessary information to process the claims for work sharing benefits as contained in Section 1279.5-5 of these regulations, or

(3)

The work sharing employer willfully providing false information or withholding material information related to the approval of a work sharing plan, or related to the filing of certifications for work sharing benefits, for the purpose of gaining approval of the work sharing plan, or

(4)

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

(5)

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

(b)

The employer may submit a request for review of the terminated 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 termination. 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 terminated work sharing plan, and (4) A statement by the employer supporting its position as to why good cause does not exist for the termination of

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 terminated work sharing plan, and

(4)

A statement by the employer supporting its position as to why good cause does not exist for the termination of the work sharing plan.

(c)

The director's work sharing administrator shall conduct the review and determine whether or not good cause exists for the termination of the work sharing plan.(1) If the director's work sharing administrator determines that the work sharing plan was terminated 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 terminated 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 terminated 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 terminated 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.

(d)

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