

WAC 192-610-050 How are typical workweek hours determined? (1)

The department determines typical workweek hours based on whether the employee is salaried or otherwise at the time of filing the initial application for benefits.

(a) For salaried employees, as defined in WAC 192-500-100, the typical workweek hours are forty hours, regardless of the number of hours worked in ((a week are assumed to be forty, regardless of how many hours are actually worked. Typical workweek hours are determined by multiplying the number of weeks in the qualifying period the employee held the salaried position by forty, adding any other hours that were not salaried, if any, and then dividing that amount by fifty-two.

(2-)) the employee's qualifying period.

(b) For all other employees, the department will determine typical workweek hours ((are determined)) by dividing the sum of all hours reported in the qualifying period by fifty-two and rounded down to the nearest hour.

(2) For a qualifying period that includes the fourth quarter of 2018, the typical workweek hours for an employee described in subsection (1)(b) of this section will be determined by dividing the sum of all hours reported in the first three quarters of 2019 by thirty-nine.

NEW SECTION

WAC 192-610-051 How is the weekly benefit calculated? After a valid claim year is established, the department will calculate the weekly benefit amount using the following process:

(1) The department will establish the employee's average weekly wage by dividing the total reported wages in the employee's two highest-paid quarters in the qualifying period by twenty-six. If the result is not a multiple of one dollar, the result is rounded down to the next lower multiple of one dollar.

(2) If the employee's average weekly wage is equal to or less than one-half of the state's average weekly wage on the date the calculation is made, the benefit amount is ninety percent of the employee's average weekly wage.

Example 1: For this example, the state's average weekly wage is \$1,400. An employee's average weekly wage is \$600. Since this amount is less than half of the state's average weekly wage, the employee receives 90% of their weekly wage. The weekly benefit is \$540.

(3) If the employee's average weekly wage is more than fifty percent of the state's average weekly wage on the date the calculation is made, the weekly benefit amount is the sum of:

(a) Ninety percent of one-half of the state average weekly wage; and

(b) Fifty percent of the difference between one-half of the state average weekly wage and the employee's average weekly wage.

Example 2: For this example, the state's average weekly wage is \$1,400. An employee's average weekly wage is \$950. Since this number is more than half of the state's average weekly wage, calculate the

values for subsection (3)(a) and (b) of this section, then add them together. The first number is equal to 90% of half the state's average weekly wage. Half of \$1,400 is \$700, and 90% of this number makes the first number \$630. The second number is equal to 50% of the amount of the employee's average weekly wage that is higher than half the state's average weekly wage. The amount of the employee's average weekly wage that is higher than half the state's average weekly wage is \$250 (\$950 - \$700). 50% of this amount makes the second number \$125. Add the two numbers together. The weekly benefit is \$755.

(4) If the result of the weekly benefit calculation is not a multiple of one dollar, the result is rounded down to the next lower multiple of one dollar.

(5) All weekly benefit amount calculations are subject to the minimum and maximum weekly benefit amounts under RCW 50A.04.020 (5)(a) and (b).

(6) The weekly benefit amount determined in subsections (1) through (4) of this section is prorated by the number of hours claimed for paid family or medical leave compared to the number of typical workweek hours.

Example 3: An employee has a weekly benefit amount determined to be \$1,000. The employee worked 20 hours each week in the qualifying period. The employee is now full-time and salaried, causing the department to consider that employee's typical workweek hours to be 40. The employee can claim 40 hours on each weekly claim. No proration would occur because the hours claimed compared to the typical workweek hours are the same. As a result, the employee would receive 100% of their weekly benefit amount.

NEW SECTION

WAC 192-610-052 How will the department obtain wages and hours that have not yet been reported by employers? If an employee's qualifying period includes a quarter for which the employer has not yet submitted a report to the department, the department will contact the employer to request the employee's hour and wage information for that quarter.