

**WAC 192-250-045 Who is not eligible for participation in the shared work program?** (1) The following employees are not eligible for participation in the shared work program:

(a) Employees paid on any basis other than hourly wage. This includes, but is not limited to, employees paid on a piece rate, mileage rate, job rate, salary, or commission basis. The commissioner may waive this provision for employees paid as listed above if an hourly rate of pay can be established, except that salaried employees may participate only if they are eligible for paid overtime.

(b) Officers of the corporation that is applying for participation.

(c) Seasonal employees during the off season.

(2) The following businesses are not eligible for participation in the shared work program:

(a) For weeks of benefits paid before July 1, 2012, and after June 28, 2015, businesses with a tax rate of 5.4 percent or more, not including the social cost factor rate and taxes under RCW 50.24.010 and 50.24.014.

(b) Nonqualified employers, meaning employers who have reported no payroll for four consecutive quarters.

(c) Employers not registered in Washington for six months prior to application.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 13-24-016, § 192-250-045, filed 11/21/13, effective 12/22/13. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.20.010. WSR 10-11-046, § 192-250-045, filed 5/12/10, effective 6/12/10. Statutory Authority: RCW 50.12.010, 50.12.040, and 50.60.901. WSR 09-13-057, § 192-250-045, filed 6/12/09, effective 7/13/09; WSR 06-22-004, § 192-250-045, filed 10/19/06, effective 11/19/06.]