

**WAC 192-310-035 Employer reports—Failure to report or incorrectly reporting hours or wages.** (1) If an employer does not report hours worked and a former employee applies for benefits, the department will estimate the hours worked as follows:

(a) For Washington reportable wages, the department will divide the reported wages by the state's minimum wage (RCW 49.46.020) in effect at the time to estimate the hours worked;

(b) For all out-of-state wages, the department will divide the reported wages by the federal minimum wage to estimate the hours worked.

(2) If the employer later provides the actual hours worked, the department will recalculate the former employee's claim.

(3) If the claim is voided or benefits are reduced as a result of the recalculation, the claimant will not be required to repay any benefits that were overpaid and WAC 192-220-070 will apply.

(4) The employer will be charged under WAC 192-320-080 for benefits paid.

[Statutory Authority: RCW 50.12.010 and 50.12.040. WSR 16-21-013, § 192-310-035, filed 10/7/16, effective 11/14/16; WSR 07-23-127, § 192-310-035, filed 11/21/07, effective 1/1/08. Statutory Authority: Chapters 34.05, 50.12 RCW and RCW 49.46.020. WSR 99-20-134, § 192-310-035, filed 10/6/99, effective 11/6/99.]