

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1392

Introduced by Committee on Insurance

March 4, 2013

An act to ~~amend~~ *repeal and add* Section 1279.5 of the Unemployment Insurance Code, relating to unemployment insurance.

LEGISLATIVE COUNSEL'S DIGEST

AB 1392, as amended, Committee on Insurance. Unemployment insurance: work sharing plans.

Existing law deems an individual unemployed in any week if the individual works less than his or her normal weekly hours of work for the individual's regular employer as the result of a plan by the employer, in lieu of layoff, to reduce employment and stabilize the work force by work sharing. Existing law requires that plan to have been approved by the Director of Employment Development, pursuant to prescribed requirements. Existing law requires the plan to involve the participation of at least two employees and include not less than 10 percent of the employer's regular permanent work force, as specified. Existing law requires an approved plan to expire 6 months after its effective date. Existing law provides that employees participating are eligible to receive unemployment compensation benefits in an amount equal to the percentage of reduction of the employee's wages resulting from an approved plan, as specified.

This bill would revise and recast these provisions. The bill would define a work sharing plan as a plan submitted by an employer, for approval by the Director of Employment Development, pursuant to which the employer requests the payment of work sharing compensation

to employees in an affected unit of the employer in lieu of layoffs and would establish other definitions in this regard. The bill would require that an employer wishing to participate in the work sharing program submit a signed written work sharing plan to the director for approval, and that the director develop an application form that fulfills specified requirements, and develop an approval process, and designate a work sharing administrator. The employer would be required to make a series of certifications and to provide for notification of employees, as specified. The bill would establish timelines for the approval or disapproval of a plan and authorize its modification pursuant to a specified process. The bill would prescribe requirements for employees to be eligible for work sharing compensation, as defined. The bill would require that work sharing compensation be charged to employers' experience rating accounts in the same manner as unemployment compensation. Among other things, the bill would prohibit employees from being eligible to receive any benefits pursuant to these provisions unless their employer agrees, in writing, and their bargaining agent agrees, in writing, pursuant to any applicable collective bargaining agreement, to voluntarily participate in the work sharing program.

~~Under existing law, unemployment compensation benefits are payable from the Unemployment Fund to eligible unemployed individuals. Under existing law, an individual is unemployed under specified circumstances, including when he or she performs no services and receives no pay. Existing law deems an individual unemployed in any week that the individual works less than his or her normal weekly hours of work for the individual's regular employer due to participating in a specified work sharing plan that has been approved by the Director of Employment Development and adopted by the employer to avoid a layoff, if the employee's wages have been reduced by at least 10%.~~

~~This bill would provide that an individual is deemed unemployed for these purposes in any week that the individual works less than his or her normal weekly hours due to participating in a work sharing plan described above that is adopted by the employer and approved by the director, to avoid a layoff, if the employee's wages have been reduced by at least 10% but not more than 60%.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 1279.5 of the Unemployment Insurance~~
2 ~~Code is repealed.~~

3 ~~1279.5. (a) Notwithstanding Section 1252 or 1252.2 or any~~
4 ~~other provision of this part, for the purposes of this section an~~
5 ~~individual is “unemployed” in any week if the individual works~~
6 ~~less than his or her normal weekly hours of work for the~~
7 ~~individual’s regular employer, and the director finds that the regular~~
8 ~~employer has reduced or restricted the individual’s normal hours~~
9 ~~of work, or has rehired an individual previously laid off and~~
10 ~~reduced that individual’s normal hours of work from those~~
11 ~~previously worked, as the result of a plan by the regular employer~~
12 ~~to, in lieu of layoff, reduce employment and stabilize the work~~
13 ~~force by a program of sharing the work remaining after a reduction~~
14 ~~in total hours of work and a corresponding reduction in wages of~~
15 ~~at least 10 percent. The application for approval of a plan shall~~
16 ~~require the employer to briefly describe the circumstances requiring~~
17 ~~the use of work sharing to avoid a layoff. Normal weekly hours~~
18 ~~of work means the number of hours in a week that the employee~~
19 ~~normally would work for the regular employer or 40 hours,~~
20 ~~whichever is less. The plan must involve the participation of at~~
21 ~~least two employees and include not less than 10 percent of the~~
22 ~~employer’s regular permanent work force involved in the affected~~
23 ~~work unit or units in each week, or in at least one week of a~~
24 ~~two-consecutive-week period. A plan approved by the director~~
25 ~~shall expire six months after the effective date of the plan.~~

26 ~~(b) Except as otherwise provided in this section, each individual~~
27 ~~eligible under this chapter who is “unemployed” in any week shall~~
28 ~~be paid with respect to that week a weekly shared work~~
29 ~~unemployment compensation benefit amount equal to the~~
30 ~~percentage of reduction of the individual’s wages resulting from~~
31 ~~an approved plan, rounded to the nearest 5 percent, multiplied by~~
32 ~~the individual’s weekly benefit amount.~~

33 ~~(c) No individual who receives any benefits under this section~~
34 ~~during any benefit year shall receive any benefits pursuant to~~
35 ~~Section 1252 or 1252.2 as a partially unemployed individual with~~
36 ~~respect to any week during such benefit year while in employment~~
37 ~~status with the regular employer who initiated the program of~~

1 sharing work under this section. No benefits under this section
2 shall be payable on any type of extended claim.

3 (d) Any amount payable under this section shall be reduced by
4 the amount of any and all compensation payable for personal
5 services whether performed as an employee or an independent
6 contractor or as a juror or as a witness, except compensation
7 payable by the regular employer under a shared work plan.

8 For the purposes of this subdivision, "regular employer" may
9 include, pursuant to an approved plan, a labor organization which
10 periodically employs individuals in accordance with a collective
11 bargaining agreement.

12 (e) The benefit payment under this section, if not a multiple of
13 one dollar (\$1), shall be increased to the next higher multiple of
14 one dollar (\$1).

15 (f) Sections 1253.5 and 1279 shall not apply to any individual
16 eligible for any payment under this section.

17 (g) For the purposes of this section, an individual shall not be
18 disqualified under subdivision (c) of Section 1253 for any week
19 if both of the following conditions exist:

20 (1) The individual has not been absent from work without the
21 approval of the regular employer.

22 (2) The individual accepted all work the regular employer made
23 available to the individual during hours scheduled off due to the
24 work-sharing plan.

25 (h) Except as otherwise provided by or inconsistent with this
26 section, all provisions of this division and authorized regulations
27 apply to benefits under this section. Authorized regulations may,
28 to the extent permitted by federal law, make such distinctions and
29 requirements as may be necessary in the procedures and provisions
30 applicable to unemployed individuals to carry out the purposes of
31 this section, including regulations defining normal hours, days,
32 workweek, and wages.

33 (i) Employees shall not be eligible to receive any benefits under
34 this section unless their employer agrees, in writing, and their
35 bargaining agent pursuant to any applicable collective bargaining
36 agreement agrees, in writing, to voluntarily participate in the shared
37 work unemployment insurance benefit program created by this
38 section.

39 (j) Notwithstanding Section 1327, the department shall not be
40 required to notify an employer of additional claims which result

1 ~~from an approved plan submitted by the employer under which~~
2 ~~benefits are not paid in each week.~~

3 ~~(k) The director may terminate a shared work plan for good~~
4 ~~cause if the plan is not being carried out according to its terms and~~
5 ~~intent.~~

6 *SEC. 2. Section 1279.5 is added to the Unemployment*
7 *Insurance Code, to read:*

8 *1279.5. (a) As used in this section:*

9 *(1) "Affected unit" means a specified plant, department, shift,*
10 *or other definable unit that includes two or more workers and not*
11 *less than 10 percent of the employer's regular permanent work*
12 *force involved in the affected unit or units in each week, or in at*
13 *least one week of a two-consecutive-week period, to which an*
14 *approved work sharing plan applies.*

15 *(2) "Health and retirement benefits" means employer-provided*
16 *health benefits and retirement benefits under a defined benefit*
17 *pension plan, as defined in Section 414(j) of the Internal Revenue*
18 *Code, or contributions under a defined contribution plan, as*
19 *defined in Section 414(i) of Internal Revenue Code, that are*
20 *incidents of employment in addition to the cash remuneration*
21 *earned.*

22 *(3) "Work sharing compensation" means the unemployment*
23 *compensation benefits payable to employees in an affected unit*
24 *under an approved work sharing plan, as distinguished from the*
25 *unemployment compensation benefits otherwise payable under*
26 *this part.*

27 *(4) "Work sharing plan" means a plan submitted by an*
28 *employer, for approval by the director, under which the employer*
29 *requests the payment of work sharing compensation to employees*
30 *in an affected unit of the employer in lieu of layoffs.*

31 *(5) "Work sharing program" means the program described by*
32 *this section.*

33 *(6) "Usual weekly hours of work" means the usual hours of*
34 *work for full-time or part-time employees in the affected unit when*
35 *that unit is operating on its regular basis, not to exceed forty hours*
36 *and not including hours of overtime work.*

37 *(7) "Unemployment compensation" means the unemployment*
38 *compensation benefits payable under this part other than work*
39 *sharing compensation and includes amounts payable pursuant to*

1 *an agreement under federal law providing for compensation,*
2 *assistance, or allowances with respect to unemployment.*

3 *(b) Notwithstanding Section 1252 or 1252.2 or any other*
4 *provision of this part, for the purposes of this section an employee*
5 *is “unemployed” in any week if the employee works less than his*
6 *or her usual weekly hours of work for the employee’s regular*
7 *employer, as the result of the regular employer’s participation in*
8 *a work sharing plan that meets the requirements of this section*
9 *and has been approved by the director, pursuant to which the*
10 *employer, in lieu of layoff, reduces employment and stabilizes the*
11 *workforce.*

12 *(c) An employer wishing to participate in the work sharing*
13 *program shall submit a signed written work sharing plan to the*
14 *director for approval. The director shall develop an application*
15 *form to request approval of a work sharing plan and an approval*
16 *process that meets the requirements of this section. The application*
17 *shall include, but is not limited to, the following:*

18 *(1) The affected unit covered by the plan, including the number*
19 *of full-time or part-time employees in the unit, the percentage of*
20 *employees in the affected unit covered by the plan, identification*
21 *of each individual employee in the affected unit by name, social*
22 *security number, and the employer’s unemployment tax account*
23 *number and any other information required by the director to*
24 *identify plan participants.*

25 *(2) A description of how employees in the affected unit will be*
26 *notified of the employer’s participation in the work sharing plan*
27 *if the application is approved, including how the employer will*
28 *notify those employees in a collective bargaining unit as well as*
29 *any employees in the affected unit who are not in a collective*
30 *bargaining unit. If the employer does not intend to provide advance*
31 *notice to employees in the affected unit, the employer shall explain*
32 *in a statement in the application why it is not feasible to provide*
33 *that notice.*

34 *(3) A requirement that the employer identify, in the application,*
35 *the usual weekly hours of work for employees in the affected unit*
36 *and the specific percentage by which their hours will be reduced*
37 *during all weeks covered by the plan. The percentage of reduction*
38 *of usual weekly hours of work for which a work sharing plan may*
39 *be approved shall not be less than 10 percent or more than 60*
40 *percent. If the plan includes any week for which the employer*

1 regularly does not provide work, including, but not limited to,
2 incidences due to a holiday or plant closing, then that week shall
3 be identified in the application.

4 (4) (A) Except as provided in subparagraph (B), certification
5 by the employer, if the employer provides health and retirement
6 benefits to any employee whose usual weekly hours of work are
7 to be reduced under the plan, that the benefits will continue to be
8 provided, to the extent permitted by federal law, to employees
9 participating in the work sharing plan under the same terms and
10 conditions as though the usual weekly hours of work of these
11 employees had not been reduced or to the same extent as other
12 employees not participating in the work sharing plan. For defined
13 benefit retirement plans, to the extent permitted by federal law,
14 the hours that are reduced under the work sharing plan shall be
15 credited for purposes of participation, vesting, and accrual of
16 benefits as though the usual weekly hours of work had not been
17 reduced. The dollar amount of employer contributions to a defined
18 contribution plan that are based on a percentage of compensation
19 may be less due to the reduction in the employee's compensation.

20 (B) If a reduction in health and retirement benefits is scheduled
21 to occur during the duration of the plan and those reductions will
22 be applied equally to employees who are not participating in the
23 work sharing program, then the application shall so certify, and
24 those benefits may be reduced for those employees who are
25 participating in the work sharing plan.

26 (5) Certification by the employer that the aggregate reduction
27 in work hours is in lieu of temporary or permanent layoffs, or both.
28 The application shall include an estimate of the number of workers
29 who would have been laid off in the absence of the work sharing
30 plan.

31 (6) Agreement by the employer to do all of the following:

32 (A) Furnish reports to the director relating to the proper conduct
33 of the plan.

34 (B) Allow the director or his or her authorized representatives
35 access to all records necessary to approve or disapprove the plan
36 application.

37 (C) After approval of a plan, monitor and evaluate the plan.

38 (D) Follow any other directives the director deems necessary
39 for the department to implement the plan and that are consistent
40 with the requirements for plan applications.

1 (7) Certification by the employer that participation in the work
2 sharing plan and its implementation is consistent with the
3 employer's obligations under applicable federal and state laws.

4 (8) The effective date and duration of the plan, which shall not
5 be later than the end of the 12th full calendar month after the
6 effective date.

7 (9) Any other provision added to the application by the director
8 that the United States Secretary of Labor determines to be
9 appropriate for purposes of a work sharing plan.

10 (d) The director shall approve or disapprove a work sharing
11 plan in writing by the close of business no later than 10 working
12 days from the date the completed plan is received and communicate
13 the decision to the employer. A decision disapproving the plan
14 shall clearly identify the reasons for the disapproval. Within 20
15 days, the employer may submit a request for review of the
16 disapproved work sharing plan to the director's work sharing
17 administrator, whom the director shall designate for this purpose.
18 After review, the work sharing administrator's decision of approval
19 or disapproval shall be final. If disapproved, the employer may
20 submit a different work sharing plan for approval.

21 (e) The director shall work with the employer to determine the
22 effective date of a work sharing plan, which shall be specified in
23 the notice of approval to the employer. The plan shall expire on
24 the date specified in the notice of approval, which shall be either
25 the date at the end of the 12th full calendar month after its effective
26 date or an earlier date mutually agreed upon by the employer and
27 the director. However, if a work sharing plan is revoked by the
28 director under subdivision (f) of this section, the plan shall
29 terminate on the date specified in the director's written order of
30 revocation. An employer may terminate a work sharing plan at
31 any time upon written notice to the director. An employer may
32 submit an application to renew the work sharing plan not more
33 than 10 days after a previously approved work sharing plan
34 expires.

35 (f) The director may revoke approval of a work sharing plan
36 for good cause at any time. The revocation order shall be in writing
37 and shall specify the reasons for the revocation and the date the
38 revocation is effective. The director may periodically review the
39 operation of an employer's work sharing plan to ensure that good
40 cause does not exist for revocation of the approval of the plan.

1 *For purposes of these provisions, good cause includes, but is not*
2 *limited to, failure to comply with the assurances given in the plan,*
3 *unreasonable revision of productivity standards for the affected*
4 *unit, conduct or occurrences tending to defeat the intent and*
5 *effective operation of the work sharing plan, and violation of any*
6 *criteria on which approval of the plan was based.*

7 (g) *An employer may request a modification of an approved*
8 *plan by filing a written request to the director. The request shall*
9 *identify the specific provisions proposed to be modified and provide*
10 *an explanation of why the proposed modification is appropriate*
11 *for the work sharing plan. The director shall approve or disapprove*
12 *the proposed modification in writing by the close of business no*
13 *later than 10 working days from the date the proposed modification*
14 *is received and communicate the decision to the employer. The*
15 *director, in his or her discretion, may approve a request for*
16 *modification of the plan based on conditions that have changed*
17 *since the plan was approved, provided that the modification is*
18 *consistent with and supports the purposes for which the plan was*
19 *initially approved. A modification does not extend the expiration*
20 *date of the original plan, and the director shall promptly notify*
21 *the employer whether the plan modification has been approved*
22 *and, if approved, the effective date of the modification, which shall*
23 *not be earlier than the effective date of the original work sharing*
24 *plan. An employer is not required to request approval of a plan*
25 *modification from the director if the change is not substantial, but*
26 *the employer shall promptly report, in writing, every change to*
27 *the plan to the director. The director may terminate an employer's*
28 *plan if the employer fails to meet this reporting requirement. If the*
29 *director determines that the reported change is substantial, the*
30 *director shall require the employer to request a modification to*
31 *the plan.*

32 (h) (1) *An employee is eligible to receive work sharing*
33 *compensation with respect to any week only if the employee is*
34 *monetarily eligible for unemployment compensation, not otherwise*
35 *disqualified for unemployment compensation, and both of the*
36 *following are true:*

37 (A) *During the week, the employee is employed as a member of*
38 *an affected unit under an approved work sharing plan, which was*
39 *approved prior to that week, and the plan is in effect with respect*
40 *to the week for which work sharing compensation is claimed.*

1 (B) Notwithstanding any other provisions relating to availability
2 for work and actively seeking work, the employee is available for
3 the employee's usual hours of work with the work sharing
4 employer, which may include, for purposes of this section,
5 participating in training to enhance job skills that is approved by
6 the director, such as employer-sponsored training or training
7 funded under the federal Workforce Investment Act of 1998 (29
8 U.S.C. Sec. 2801 et seq.).

9 (2) Notwithstanding any other provision of law, an employee
10 covered by a work sharing plan is deemed unemployed in any week
11 during the duration of that plan if the employee's remuneration
12 as an employee in an affected unit is reduced based on a reduction
13 of the employee's usual weekly hours of work under an approved
14 work sharing plan.

15 (i) For the purposes of this section, an employee shall not be
16 disqualified under subdivision (c) of Section 1253 for any week if
17 both of the following conditions exist:

18 (1) The employee has not been absent from work without the
19 approval of the regular employer.

20 (2) The employee accepted all work the regular employer made
21 available to the individual during hours scheduled off due to the
22 work sharing plan.

23 (j) The work sharing weekly compensation amount shall be the
24 product of the regular weekly unemployment compensation amount
25 for a week of total unemployment multiplied by the percentage of
26 reduction in the individual's usual weekly hours of work, rounded
27 to the nearest 5 percent.

28 (k) (1) Provisions applicable to unemployment compensation
29 shall apply to employees in a work sharing plan to the extent that
30 they are not inconsistent with work sharing program provisions.
31 An employee who files an initial claim for work sharing
32 compensation shall receive a monetary determination. An employee
33 may be eligible for work sharing compensation or unemployment
34 compensation, as appropriate, except that an employee shall not
35 be eligible for combined benefits in any benefit year in an amount
36 more than the maximum entitlement established for regular
37 unemployment compensation, nor shall an employee be paid work
38 sharing benefits for more than 52 weeks under a work sharing
39 plan.

1 (2) *An employee who is not provided any work during a week*
2 *by the work sharing employer, or any other employer, and who is*
3 *otherwise eligible for unemployment compensation, shall be*
4 *eligible for the amount of regular unemployment compensation to*
5 *which he or she would otherwise be eligible.*

6 (3) *An employee who is not provided any work by the work*
7 *sharing employer during a week, but who works for another*
8 *employer and is otherwise eligible, may be paid unemployment*
9 *compensation for that week subject to the disqualifying income*
10 *and other provisions applicable to claims for regular*
11 *unemployment compensation.*

12 (4) *The work sharing compensation paid to an employee shall*
13 *be deducted from the maximum entitlement amount of regular*
14 *unemployment compensation established for that employee's*
15 *benefit year.*

16 (5) *An employee who has received all of the work sharing*
17 *compensation or combined unemployment compensation and work*
18 *sharing compensation available in a benefit year shall be*
19 *considered an exhaustee for purposes of extended benefits and, if*
20 *otherwise eligible under those provisions, shall be eligible to*
21 *receive extended benefits.*

22 (6) *No employee who receives any benefits under this section*
23 *during any benefit year shall receive any benefits pursuant to*
24 *Section 1252 or 1252.2 as a partially unemployed individual with*
25 *respect to any week during a benefit year while in employment*
26 *status with the regular employer who initiated the work sharing*
27 *plan under this section.*

28 (7) *Sections 1253.5 and 1279 shall not apply to any individual*
29 *eligible for any payment under this section.*

30 (l) *Any amount payable under this section shall be reduced by*
31 *the amount of any and all compensation payable for personal*
32 *services, whether performed as an employee or an independent*
33 *contractor or as a juror or as a witness, except compensation*
34 *payable by the regular employer under a work sharing plan. For*
35 *the purposes of this subdivision, "regular employer" may include,*
36 *pursuant to an approved plan, a labor organization that*
37 *periodically employs individuals in accordance with a collective*
38 *bargaining agreement.*

39 (m) *Work sharing compensation shall be charged to employers'*
40 *experience rating accounts in the same manner as unemployment*

1 compensation is charged under this part. Employers liable for
 2 payments in lieu of contributions shall have work sharing
 3 compensation attributed to service in their employ in the same
 4 manner as unemployment compensation is attributed.

5 (n) The benefit payment under this section, if not a multiple of
 6 one dollar (\$1), shall be increased to the next higher multiple of
 7 one dollar (\$1).

8 (o) Except as otherwise provided by or inconsistent with this
 9 section, all provisions of this division and authorized regulations
 10 apply to benefits under this section. Authorized regulations may,
 11 to the extent permitted by federal law, make those distinctions and
 12 requirements as may be necessary in the procedures and provisions
 13 applicable to unemployed individuals to carry out the purposes of
 14 this section, including, but not limited to, regulations defining
 15 normal hours, days, workweeks, and wages.

16 (p) Employees shall not be eligible to receive any benefits under
 17 this section unless their employer agrees, in writing, and their
 18 bargaining agent pursuant to any applicable collective bargaining
 19 agreement agrees, in writing, to voluntarily participate in the work
 20 sharing program created by this section.

21 (q) Notwithstanding Section 1327, the department shall not be
 22 required to notify an employer of additional claims that result
 23 from an approved plan submitted by the employer under which
 24 benefits are not paid in each week.

25 (r) (1) This section shall be implemented commencing on
 26 January 1, 2014, unless the department determines that
 27 implementation by that date is not feasible, in which case the
 28 department shall implement this section no later than July 1, 2014.

29 (2) A work sharing plan that is in effect when this section is
 30 implemented shall continue in effect and be subject to the law
 31 applicable when the plan was approved, but shall not be renewed.
 32 Upon expiration or termination of the plan, this section shall apply.

33 ~~SECTION 1. Section 1279.5 of the Unemployment Insurance~~
 34 ~~Code is amended to read:~~

35 ~~1279.5. (a) Notwithstanding Section 1252 or 1252.2 or any~~
 36 ~~other provision of this part, for the purposes of this section an~~
 37 ~~individual is “unemployed” in any week if the individual works~~
 38 ~~less than his or her normal weekly hours of work for the~~
 39 ~~individual’s regular employer, and the director finds that the regular~~
 40 ~~employer has reduced or restricted the individual’s normal hours~~

1 of work, or has rehired an individual previously laid off and
2 reduced that individual's normal hours of work from those
3 previously worked, as the result of a plan by the regular employer
4 to, in lieu of layoff, reduce employment and stabilize the work
5 force by a program of sharing the work remaining after a reduction
6 in total hours of work and a corresponding reduction in wages of
7 at least 10 percent but no more than 60 percent. The application
8 for approval of a plan shall require the employer to briefly describe
9 the circumstances requiring the use of work sharing to avoid a
10 layoff. Normal weekly hours of work means the number of hours
11 in a week that the employee normally would work for the regular
12 employer or 40 hours, whichever is less. The plan must involve
13 the participation of at least two employees and include not less
14 than 10 percent of the employer's regular permanent work force
15 involved in the affected work unit or units in each week, or in at
16 least one week of a two-consecutive-week period. A plan approved
17 by the director shall expire six months after the effective date of
18 the plan.

19 (b) Except as otherwise provided in this section, each individual
20 eligible under this chapter who is "unemployed" in any week shall
21 be paid with respect to that week a weekly shared work
22 unemployment compensation benefit amount equal to the
23 percentage of reduction of the individual's wages resulting from
24 an approved plan, rounded to the nearest 5 percent, multiplied by
25 the individual's weekly benefit amount.

26 (c) No individual who receives any benefits under this section
27 during any benefit year shall receive any benefits pursuant to
28 Section 1252 or 1252.2 as a partially unemployed individual with
29 respect to any week during such benefit year while in employment
30 status with the regular employer who initiated the program of
31 sharing work under this section. No benefits under this section
32 shall be payable on any type of extended claim.

33 (d) Any amount payable under this section shall be reduced by
34 the amount of any and all compensation payable for personal
35 services whether performed as an employee or an independent
36 contractor or as a juror or as a witness, except compensation
37 payable by the regular employer under a shared work plan.

38 For the purposes of this subdivision, "regular employer" may
39 include, pursuant to an approved plan, a labor organization which

1 periodically employs individuals in accordance with a collective
2 bargaining agreement.

3 (e) The benefit payment under this section, if not a multiple of
4 one dollar (\$1), shall be increased to the next higher multiple of
5 one dollar (\$1).

6 (f) Sections 1253.5 and 1279 shall not apply to any individual
7 eligible for any payment under this section.

8 (g) For the purposes of this section, an individual shall not be
9 disqualified under subdivision (e) of Section 1253 for any week
10 if both of the following conditions exist:

11 (1) The individual has not been absent from work without the
12 approval of the regular employer.

13 (2) The individual accepted all work the regular employer made
14 available to the individual during hours scheduled off due to the
15 work-sharing plan.

16 (h) Except as otherwise provided by or inconsistent with this
17 section, all provisions of this division and authorized regulations
18 apply to benefits under this section. Authorized regulations may,
19 to the extent permitted by federal law, make such distinctions and
20 requirements as may be necessary in the procedures and provisions
21 applicable to unemployed individuals to carry out the purposes of
22 this section, including regulations defining normal hours, days,
23 workweek, and wages.

24 (i) Employees shall not be eligible to receive any benefits under
25 this section unless their employer agrees, in writing, and their
26 bargaining agent pursuant to any applicable collective bargaining
27 agreement agrees, in writing, to voluntarily participate in the shared
28 work unemployment insurance benefit program created by this
29 section.

30 (j) Notwithstanding Section 1327, the department shall not be
31 required to notify an employer of additional claims which result
32 from an approved plan submitted by the employer under which
33 benefits are not paid in each week.

34 (k) The director may terminate a shared work plan for good
35 cause if the plan is not being carried out according to its terms and
36 intent.

O