

Pacifica Foundation  
1925 Martin King Jr Way  
Berkeley, CA 94704  
Attn: Leslie Radford

Mailing Date: 09 / 04 / 15

**NOTICE OF WORK SHARING (WS) PLAN DENIAL**

Employer Account Number: 088-0880-0

The *Work Sharing (WS) Unemployment Insurance Plan Application*, DE 8686, was requested with the following effective date:

- Requested effective date: 09 / 01 / 15  
 For expanded coverage, requested effective date: \_\_\_ / \_\_\_ / \_\_\_

Your Work Sharing Plan Application, DE 8686, has been denied for the reason(s) checked below:

- Your plan would affect only one (1) employee. The plan must involve the participation of at least two (2) employees as required by the California Unemployment Insurance Code (CUIC), Section 1279.5(a).
- Your plan would affect, at any time, less than 10 percent (10%) of the employees working in the unit covered by the plan. Your plan must include not less than 10 percent (10%) of the regular permanent work force involved in the affected unit or units in each week, or in at least one week of a two consecutive week period, as required by the CUIC, Section 1279.5(a).
- Your plan would reduce the hours and wages of the participating employees sharing work by less than 10 percent (10%). The hours and wages of participating employees must be reduced by a minimum of 10 percent (10%) as required by the CUIC, Section 1279.5(c).
- Your plan would reduce the hours and wages of the participating employees sharing work by more than 60 percent (60%). The hours and wages of participating employees must not be reduced by more than 60 percent as required by the CUIC, Section 1279.5(c).
- Your plan would only affect temporary, seasonal, leased, or intermittent employees and does not include employees from your regular permanent workforce per the CUIC, Section 1279.5(a).

- Your application does not contain the original signature of a corporate officer, sole proprietor, general partner, or executive officer as required by Title 22 of the California Code of Regulations, Section 1279.5-2(a) (16-(17).
- Your application indicates that a collective bargaining agreement exists in the unit(s) covered by your plan, but there is no signed concurrence by the collective bargaining agent(s) as required by the CUIC, Section 1279.5(p).
- Your application indicates that you intend to utilize the Work Sharing program only for total layoffs during holiday weeks. This is in conflict with the CUIC, Section 1279.5(c)(3), which limits participation in the Work Sharing program to those employers who plan to reduce employees' hours of work, in lieu of layoff, to stabilize the work force by a sharing of the remaining work.
- You have requested your new application to be approved effective \_\_\_ / \_\_\_ / \_\_\_. Your new application was received with a postmark date of \_\_\_ / \_\_\_ / \_\_\_. In order for a new application to be considered timely it must be mailed and have a postmark date within 28 days of the first contact date, per Title 22 of the California Code of Regulations, Section 1279.5-3(a). If the new application is not submitted timely, the plan's effective date can be no earlier than the Sunday prior to the postmark date as required by Title 22 of the California Code of Regulations, Section 1279.5-3(e). Your application has been approved effective \_\_\_ / \_\_\_ / \_\_\_.
- Your renewal application was received with a postmark date of \_\_\_ / \_\_\_ / \_\_\_. In order for a renewal application to be considered timely it must be mailed and have a postmark date within 10 days of the prior plan's expiration per Title 22 of the California Code of Regulations, Section 1279.5-3(b). If the renewal application is not submitted timely, the plan's effective date can be no earlier than the Sunday prior to the postmark date, per Title 22 of the California Code of Regulations, Section 1279.5 3(e). Your renewal application has been approved effective \_\_\_ / \_\_\_ / \_\_\_.
- You did not identify the affected unit, including the number of full or part-time employees, covered by the Work Sharing Plan and the individual employee(s) by name, Social Security number, and any other information needed to recognize the plan participants, per the CUIC, Section 1279.5(c)(1).
- You did not provide a statement to indicate how you will notify the affected unit(s), including employees in a collective bargaining unit as well as not in a collective bargaining unit, of the employer's participation in the Work Sharing Plan if the application is approved, per the CUIC, Section 1279.5(c)(2).
- You failed to identify in the application the usual weekly hours of work for employees in the affected unit and the specific percentage by which their hours will be reduced during all weeks covered by the plan, per the CUIC, Section 1279.5(c)(3).
- Your employees' health benefits are not being maintained under the same terms and conditions as prior to the reduction in hours and wages or to the same extent as employees not participating in the Work Sharing Plan. All reductions in health benefits must be applied equally to employees participating in the Work Sharing Plan and to those not participating in the plan during the duration of the plan as required per the CUIC, Section 1279.5(c)(4).
- Your employees' retirement benefits are not being maintained under the same terms and conditions as prior to the reduction in hours and wages or to the same extent as employees not participating in the Work Sharing Plan. All reductions in retirement benefits must be applied equally to employees participating in the Work Sharing Plan and to those not participating in the plan during the duration of the plan as required per the CUIC, Section 1279.5(c)(4).
- Your plan has not established that it will prevent temporary and/or permanent layoffs per the CUIC, Section 1279.5(c)(5).

- You failed to furnish reports to the Employment Development Department (EDD) as requested relating to the proper administration of the Work Share Plan, per the CUIC, Section 1279.5(c)(6).
- You failed to allow the director or his or her authorized representatives access to all records necessary to approve or disapprove the plan application, per the CUIC, Section 1279.5(c)(6).
- You failed to monitor and evaluate the plan, per the CUIC, Section 1279.5(c)(6).
- You failed to follow directives deemed necessary by the director for the EDD to implement the plan and that are consistent with the requirements for plan applications, per the CUIC, Section 1279.5(c)(6).
- Your participation in the Work Sharing Plan is inconsistent with your obligations under applicable federal and state laws, per the CUIC, Section 1279.5(c)(7).
- Your request to modify your current approved plan is denied for the following reason(s), per the CUIC, Section 1279.5(g): \_\_\_\_\_  
\_\_\_\_\_
- Your request to modify does not extend the expiration date of the original plan, per the CUIC, Section 1279.5(g).
- Your company does not have an active employer account number (EAN) with the EDD. The account number you provided, \_\_\_\_-\_\_\_\_-\_\_\_\_, is not listed with the EDD as a valid account number. This is required per Title 22 of the California Code of Regulations, Section 1279.5-2(a)(1).
- Other: \_\_\_\_\_  
\_\_\_\_\_

You have 30 days from the mailing date of the notice of denial to submit a request in writing for a review of the denial. The request must include 1) employer name, 2) employer account number, 3) effective date of the denied Work Sharing Plan, and 4) a statement supporting your position as to why the plan should not have been denied.

Mail the request to:  
 Employment Development Department MIC 40  
 P.O. Box 826880  
 Sacramento, CA 94280-0001  
 Attn: Work Sharing Coordinator