

## [Work Share Program](#)

*Please note the City is not authorized to determine eligibility for this program. Eligibility is determined solely by the Oregon Employment Department (OED). Any information provided by the City in the following examples and elsewhere is general only, and individual eligibility questions should be directed exclusively to the Oregon Employment Department.*

Work Share Oregon informational video can be found [here](#).

### **1. What is the Work Share Program?**

The Work Share Program provides Oregon businesses an alternative to layoffs. This new program allows employers to leverage unemployment insurance to subsidize a portion of lost wages for employees whose work time is reduced to market downturns or other business stressors. It is a short-term compensation program from the Oregon Employment Department (OED) that may provide an avenue and simplified process for certain furloughed employees to obtain partial unemployment insurance benefits.

### **2. How does the program work?**

Eligible employees on the plan receive a portion of their regular unemployment insurance benefits corresponding to their workweek reduction or furloughs. Employees indicate their intent to participate in the City's Work Share plan by completing the Initial Claim application available on the BHR website ([here](#)). The City's plan reduces the employee's weekly hours of work and wages by at least 20% and no more than 40%. For example, if an employee's normal work hours equal 40, they cannot work more than 32 hours or less than 24 hours, during the week in which they take their furlough to be eligible for Work Share benefits. Note: The workweek for the Work Share program is Sunday through Saturday.

### **3. What are the employer's obligations under Work Share?**

The employer is obligated to meet certain eligibility requirements as established by the Oregon Employment Department. Also, the employer is required to file

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weekly claims for benefits on behalf of its employees, whereas general unemployment insurance requires the employee to file claims.

#### 4. What are the employee's obligations under Work Share?

- The employee is required to complete the Work Share Initial Claim Form ([here](#)), and the Report of Additional Income ([here](#)), to report income from an additional employer, pensions, annuities or retirement.
- There are two optional forms to be completed.
  - Work Share Electronic Deposit form ([here](#)) – if you wish to have benefits directly deposited to your bank account
  - Work Share Tax Withholding form ([here](#)) – if you wish for taxes to be withheld from your benefits

An additional document provides information about the Work Share US Bank ReliaCard ([here](#))

Note that all employees who participate in the City's Work Share plan will receive a ReliaCard in the mail. It is recommended that you activate the card and keep it in a safe place for the duration of the City's plan. Employees who do not submit an electronic deposit form will have all Work Share benefits loaded onto their ReliaCard. Due to a backlog in processing of electronic deposit forms at OED, it is possible that most or all participants in the City's plan will receive at least the first few weeks of benefits on their ReliaCard.

Forms are to be returned to your Human Resources Business Partner as soon as possible. The Human Resources Business Partner will provide the employee with a secure link to upload their application. Employees who cannot access or submit forms electronically should speak to their supervisor for assistance.

- Prior to the first week in which the employee will be eligible for Work Share benefits, the employee must have worked for the City continuously for
  - Six months, for full time employees; or
  - One year, for part time employees.

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- Seasonal, casual employees and working retirees are not eligible to participate in the Work Share Program. Limited duration and temporary employees are eligible for the Work Share Program.
- An employee's normal weekly hours of work and wages must be reduced by at least 20%, but no more than 40%. For example, if your normal weekly hours of work are 40 hours, you cannot work more than 32 hours or less than 24 hours for the week during your furlough in order to take part in Work Share.
- In discussion and with approval from your supervisor/manager, determine your expected furlough schedule and immediately advise your bureau timekeeper. Should there be any changes to your schedule, ensure your bureau timekeeper is kept apprised. The Furlough Tracking [form](#) can facilitate this process and can be obtained from your supervisor, timekeeper or Human Resources Business Partner.

**5. Has the City applied for this program?**

Yes, the City has applied, and our application has been approved. The start date for our Work Share program is May 31, 2020.

**6. What should employees consider when scheduling their furlough days?**

The scheduling of furlough days requires discussion and approval of your supervisor/manager. One of the requirements of Work Share is that an employee's normal weekly hours of work must be reduced by at least 20%, but no more than 40%. E.g., if an employee's normal weekly hours are 40 hours, the employee cannot work more than 32 hours or less than 24 hours during the week in which they take their furlough in order to take part in Work Share.

**7. Are there any employees who are not eligible for Work Share?**

Seasonal, casual, and working retirees are not eligible to participate in Work Share. Limited duration and temporary employees are eligible for the Work Share program.

**8. I am a regular status employee currently in a temporary assignment, am I eligible for Work Share?**

Yes, you would be eligible for Work Share benefits.

**9. What is the length of the program?**

The start date is May 31, 2020 and will be available for employees who are required to furlough through October 31, 2020, the last day by which furloughs must be taken. Represented employees who have chosen to temporarily reduce their hours during FY21 instead of taking furlough days may qualify for Work Share benefits through the end of the City's Work Share plan on May 29, 2021. Note: Employees who receive state unemployment benefits under Work Share may also be entitled to an additional benefit of \$600 per week for any week they take furloughs through July 25, 2020. This additional \$600 is available through the CARES Act, the federal stimulus program and is separate from the benefits under Work Share.

**10. Do furloughs have to be taken by July 25 to qualify for Work Share?**

No. The Work Share program is available for the duration of the City's furlough period for employees required to furlough or through May 29, 2021 for represented employees electing a reduced schedule. The additional benefit (\$600 per week) available through the CARES Act is currently available until July 31, 2020. Furloughs that are taken by July 25, 2020 could be eligible for this benefit through the CARES Act.

**11. Will furloughs taken prior to the start of the City's Work Share plan on May 31 be retroactively approved?**

No. Retroactivity is not allowed under the program.

**12. Is an employee required to apply separately for the CARES Act money through the state or does applying for Work Share also provide consideration for the \$600 additional benefit from the CARES Act?**

Through July 31, 2020, if an employee receives unemployment benefits either through Work Share or regular unemployment, they don't need to do anything

further to apply for CARES Act benefits. Furloughs are required to be taken by July 25, 2020 to be eligible for the additional benefit (\$600) under the CARES Act.

**13. What is the benefit amount employees will be receiving?**

The benefit rate is determined by the OED. Generally, it is based on an individual's one-year earning history prior to applying for benefits. Please see the OED website for the formula used.

**14. Does Work Share take the place of regular unemployment?**

Work Share provides for unemployment benefits in situations where employees' work schedules and wages are reduced by at least 20% but no more than 40%. Employees who meet Work Share eligibility requirements need not apply separately for unemployment benefits.

**15. Is there a waiting period for Work Share?**

Governor Brown's declaration has waived the waiting period for regular unemployment benefits, which has been applied to Work Share. We have received assurance from the Governor's office that the waiting week for Work Share will be waived. However, given technology issues it may be done retroactively.

**16. Is a workweek for purposes of the Work Share program the same as the Thursday – Wednesday workweek the City is using for furloughs?**

No, the OED uses a Sunday – Saturday workweek.

**17. How does the difference in the OED's workweek and the City's workweek impact how furloughs are reported?**

It is helpful to understand the difference using an example. An employee who works 8 hours per day, 40 hours per week, chooses furlough days on 6/05/2020 and 06/08/2020. For the purpose of reporting the employee's work hours for those weeks to the OED, the City would report the following:

Week 1 (includes 6/05): 32 hours

Week 2 (includes 6/08): 32 hours

The employee should keep in mind that because of the FLSA workweek (Thursday-Wednesday), they are required to work only their scheduled hours of 8 hours per day for Thursday 6/04, Tuesday 6/09 and Wednesday 6/10/2020. The new FLSA workweek begins Thursday 6/11/2020.

**18. Can City employees apply for unemployment compensation on their own and not participate in the program?**

Which program to apply for is an employee's personal decision and should be made based on their personal situation. Employees have the option of applying for regular unemployment benefits on their own. As eligibility and benefits are determined by the OED, the City cannot comment in this regard.

**19. Typically, unemployment benefits are significantly reduced or denied if one works partial weeks. Does Work Share override working partial weeks and provide full benefits for furloughs regardless of when they occur?**

Work Share provides for unemployment benefits in situations where employees' work schedules and wages are reduced by at least 20% but not more than 40%. Furloughs outside of that range will not qualify for Work Share, but employees have the option of applying for unemployment benefits on their own. E.g., employees taking 3 furlough days per week would fall outside of the Work Share program. It would be up to the employee to apply for regular unemployment insurance and up to OED to determine eligibility.

**20. What is the funding source of Work Share?**

Through December 31, 2020, funding for Work Share is provided through the CARES Act, the federal stimulus package. The OED has been tasked with developing policies and procedures for implementing federal funding.

**21. Is the requirement that an employee must have worked at least 6 months for the City for full-time employees, or 12 months for part-time employees a City of Portland stipulation or is that part of the Work Share requirement?**

It is a Work Share requirement based on the statute, ORS 657.370(1).

**22. Are there any specifics on how Work Share defines the qualifying 6 months of employment?**

The statute states that the employee must be *continuously employed for 6 months on a full-time basis or for 12 months on a part-time basis, but not on a seasonal, temporary or intermittent basis, immediately preceding the submission by the employer of the shared work plan.* Because the City's Work Share application was submitted on May 4, 2020, the list of employees originally submitted for participation in the City's plan included those full-time employees whose most recent start date was on or before November 4, 2019 and those part-time employees whose most recent start date was on or before May 4, 2019. It is possible, however, to add additional participants to the City's Work Share plan when they have been employed with the City for the required length of time.

**23. Can an employee who lives in Washington apply for Work Share or unemployment?**

Yes. Employees who live in Washington can participate in Work Share or apply for unemployment benefits in Oregon.

**24. With the City's approval and start date of May 31, 2020, are furlough days taken on May 31, 2020, eligible for the program?**

Yes, furlough days taken on or after May 31 would be eligible.

**25. When should employees start taking furloughs?**

The City's furlough period is April 30 – October 31, 2020. Employees should work with their bureau managers and supervisors to determine how best to balance the bureau's operational needs with the individual's proposed furlough schedule.

**26. What are the benefit options for employees taking full weeks of furloughs?**

Employees may apply for unemployment benefits with the OED. Eligibility and the amount of benefits is determined by the OED.

**27. If an employee gains approval to take furloughs most Fridays starting June 5<sup>th</sup> through the first half of July, then have a period of no furlough days, can they**

**claim Work Share again when they take additional furlough days in August and later?**

Yes, Work Share is available to employees required to take furloughs through October 31, 2020. Employees are required to work with their manager/supervisor to gain approval for their furlough schedule.

**28. Can an employee receive Work Share benefits for every furlough week they take that is a 20%-40% hour/wage reduction, regardless of whether those weeks are consecutive?**

Yes.

**29. Does taking leave on furlough weeks impact eligibility?**

Effective August 2, 2020, OED has adopted a temporary rule which will allow Work Share participants to use accrued leave when sick or taking care of someone who is sick. This does not apply to vacation leave and does apply to leaves taken for other reasons including sick leave, caring for someone else who is sick, jury duty or because of COVID-19 related reasons. Other leave banks that have nothing to do with sick leave or caring for a sick person or COVID related leave would not apply.

For the purposes of determining eligibility for Work Share benefits in each week, if an employee uses approved, accrued leave during a work week, those leave hours count as hours worked during that week. This does not apply to leave taken for vacation purposes. E.g. if an employee is scheduled to work 40 hours per week and needs to be out all week due to being sick or taking care of someone who is sick, they should use between 24-32 hours of accrued leave to meet the Work Share reduction in hours. If they take more than 32 hour or under 24 hours of the applicable accrued leave, they will not meet the reduction in hours of 20-40%.

This temporary rule is effective August 2, 2020 – December 26, 2020 and is not retroactive.



**30. Does a holiday count as a workday toward Work Share eligibility requirements for hours worked during a furlough week?**

Yes, if it is a paid holiday and the employee normally would have been scheduled to work on that day, it is counted as a workday. Even though the employee did not work on that day, it is not counted as a missed opportunity because no work was offered to the employee on that day.

**31. Does taking more than a 40% reduction in each week for furloughs impact eligibility for Work Share in other weeks? E.g., an employee's approved furlough schedule is to take one day per pay period for 5 pay periods and then they also have five consecutive days of furloughs scheduled in one week.**

No, Work Share operates on a weekly basis. The employee would be eligible for Work Share during the five pay periods with one furlough day per pay period.

**32. For employees who have a paid holiday as a normal day off, will taking a furlough day on that holiday preclude them from eligibility for the Work Share benefit for the week of that holiday?**

OED has indicated that holidays count as part of the OED work week. If the normal work week is 40 hours and an employee furloughs on a holiday that they were unscheduled to work, that employee is not turning down an opportunity to work. Therefore, if the employee works the remaining scheduled 32 hours that week, and meets all other eligibility criteria, the employee qualifies for Work Share for that week.

**33. Is there a deadline for employees to apply for Work Share benefits to the City?**

Employees need to submit their Initial Claim applications and enter their furlough time on their time sheet and save it by 5:00 p.m. on the Monday after the work week ends. E.g., if an employee has a furlough day on June 5, their application, Report of Additional Income, and any optional forms need to be submitted by 5:00 p.m. on Monday, June 8. The furlough entry needs to be entered in SAP or submitted to their timekeeper by that time as well.

- Negative pay (no time is entered for regular workdays): All exceptions to your timesheet must be entered by 5:00 p.m. on Mondays. This includes all

additional hours (overtime, worked holiday, etc.) as well as all absences (sick, vacation, furlough, etc.)

- Positive pay (all hours are entered for workdays): All entries to your timesheet must be entered by 5:00 p.m. on Mondays. This includes all worked hours (regular hours, overtime, worked holiday, etc.) as well as all absences (sick, vacation, furlough, etc.)

**34. If an employee does not currently meet the requirement of having worked with the City for the preceding 6 months for full-time employees or 12 months for part-time employees, once they've reached those requirements, can they apply for Work Share benefits?**

Yes, once they've met the requirements for length of time working with the City, they can complete the Work Share Initial Claim Form ([here](#)) and the Report of Additional Income ([here](#)). Additional optional forms to complete include:

- Work Share Electronic Deposit form ([here](#))
- Work Share Tax Withholding form ([here](#))

Forms are to be returned to your Human Resources Business Partner as soon as possible. The Human Resources Business Partner will provide the employee with a secure link to upload their forms. The City will add newly eligible employees to the participant list as part of the weekly reporting to OED. If you are unable to access or submit your forms electronically, please speak to your supervisor for assistance.

**35. What phone number should be entered on the Initial Claim form for the employer phone number?**

The Human Resources general phone number (503-823-3572) should be used for the employer phone number. This allows the OED Adjudicators to contact Human Resources if they have any questions about an employee's wages or hours. Employees should ensure to complete their personal information where requested which will enable OED to contact the employee directly if they have questions about the employee's information on the claim form or any other issues.

**36. Page 2 of the Initial Claim form asks the employee to list all their employers for the past 2 years. If an employee has worked for the City for more than 2 years, do they need to fill out this section of the form?**

Employees who have worked for the City for at least 2 years do not need to list all their employers for the past two years on page 2. It will be clear from the employment start date they entered on page 1 how long they have worked for the City. They would only need to check the certification check box and enter their signature and the date on the second page. However, if the employee has another employer for whom they currently work, information about that employer needs to be entered on page 2. If an employee has not worked for the City for the past 2 years, they do need to list all previous employers for the past 2 years on the second page of the form.

**37. When an employee is required to complete page 2 of the Initial Claim form and they enter the City as their current employer, when asked to “check one” for employment status, would “still working” be the most appropriate response for employees who are furloughing?**

Yes.

**38. Are employees required to provide gross earnings for the 2 years of employment or their current total work period at the City?**

Based on information captured on the first page, if an employee has worked for the City for the past 2 years, they would only need to check the certification check box and enter their signature and the date on the second page. If an employee has not worked for the City for the past 2 years, they should enter the total gross earnings for the period they have worked for the City and for periods of time worked for other employers.

**39. Should the gross earnings be an annualized calculation of the employees’ rate of pay or the actual earnings taken from a W2 or paystub?**

The gross earnings should be based on the employee’s rate of pay.

**40. How would an employee on a 9/80 schedule who alternates between a 44-hour workweek and a 36-hour workweek take their furloughs to meet the Work**

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### **Share requirement that their work schedule and wages are reduced by at least 20% but no more than 40%?**

Previously it was indicated that an employee needs to meet the 20-40% reduction in hours worked and wages to be eligible for Work Share. This is still true; however, OED does not recognize work weeks above 40 hours which means the reduction in hours worked and wages earned must be based on a 40-hour work week. In order to meet the Work Share requirement of a 20%-40% impact on their schedule and wages, the employee has the following options:

- 44-hour workweek: furlough for 12 hours (20%), or up to 20 hours (40%)
- 36-hour workweek: for non-represented, furlough for one 9-hour day (25%), or one 9-hour day and one \*4-hour day (36%). Represented can furlough in hour increments
- 36-hour workweek: take furloughs during this work week only
- Request to temporarily change to standard schedule of 5 days, 8-hour days for all weeks they are furloughing during the furlough period in order to meet OED's eligibility guidelines. The request must be approved by a supervisor. *The employee should be guaranteed that they can return to their 9/80 schedule.*

\*For exempt non-represented employees who work a 9/80 schedule, a partial furlough day between 3 - 4 hours can be taken to meet the Work Share eligibility requirement of taking 12 hours in the 44-hour work week.

\*For exempt non-represented employees, who do not work a 9/80 schedule, the 4-hour day can only be taken at the end of their furloughs if needed to meet their furlough requirement.

#### **41. Could on-call shifts impact Work Share eligibility?**

Yes, depending on overall impact. E.g. An employee is scheduled for an on-call shift but does not get called in during that shift, so they do not work any additional hours. Additional earnings would be reported for that work week, but no additional hours as they were not called in. If the impact of the additional earnings is within the 20-40% impact, and they meet all other eligibility requirements, they would qualify for Work Share for that work week. The same can be said if they are called in to work but the additional earnings and hours

worked is within the 20-40% impact, they would qualify for Work Share for that work week. Should the earnings or hours worked be outside of the 20-40% impact, they would not qualify for Work Share for that work week. Eligibility is determined by OED.

**42. Will working overtime impact Work Share eligibility?**

Yes, depending on overall impact. E.g. An employee, who works five 8-hour shifts is asked to work overtime in the work week that they have taken an 8-hour furlough day. They work a 10-hour day with one day of furlough for that work week, so they work 34 hours for that work week. With their regular work week being 40 hours, working 34 hours for that week does not fall within the 20-40% impact for reduction to hours worked and wages earned. They would not qualify for Work Share for that week. Should the overtime hours worked, and the furlough day taken fall within the 20%-40% impact, and they meet all other requirements, they remain eligible for Work Share. Eligibility is determined by OED.

**43. Will using the REPP code be a disqualifier for Work Share?**

No, time coded using REPP code will be reported as hours worked.

**44. When should employees expect to receive their benefits from OED?**

Currently, the OED is overwhelmed with unemployment and Work Share claims, so receiving benefits is taking between four to six weeks. The City has no control over the length of time it takes to receive benefits, as Work Share is a state program.

**45. How will I receive my payment from the Oregon Employment Department (OED)?**

According to the OED, the first Work Share benefit payment from OED will be a paper check sent to the employee's mail address. Every employee will get a ReliaCard in the US Mail regardless of the payment option selected. Employees who did not submit a direct deposit (DD) form will receive subsequent benefits loaded onto the ReliaCard. Employees who did submit a DD form may still receive benefits on the ReliaCard until the DD is activated.

**46. Are employees who are receiving a Work Share benefit eligible to receive the Cares Act \$600 per week benefit?**

According to OED, any employee who receives a Work Share benefit for furloughs taken through July 25, will receive the Cares Act \$600 per week benefit. This payment will be sent at the same time as the Work Share benefit but as a separate check.