

or days of work for the employees rather than by laying off some of these employees while other employees would continue to work their normal hours or days of work.

(2) The shared work benefit program seeks to ameliorate the adverse effects of a reduction in business activity by providing benefits for the portion of the normal hours or days of work during which an employee is not working.

(c) An employer or employer's association wishing to participate in the work sharing unemployment insurance program shall submit a signed, written work sharing plan to the Secretary for approval. The Secretary shall approve the work sharing plan only if the following criteria are met:

(1) The work sharing plan identifies the affected unit or units to which it applies.

(2) The employees in the affected unit or units are identified by name, social security number, and by any other information required by the Secretary.

(3) The normal weekly hours of work for the affected employees in the affected unit or units are reduced by not less than 10 percent and not more than 50 percent. The 50 percent maximum reduction may be waived by the Secretary.

(4) Subject to paragraph (7) of this subsection, that the work sharing plan certifies that the aggregate reduction in work hours is in lieu of layoffs which would have affected at least 10 percent of the employees in the affected unit or units to which the plan applies and which would have resulted in an equivalent reduction in work hours.

(5) The work sharing plan certifies that the affected employees were continuously on the employer's payroll for 3 months immediately preceding the date the work sharing plan is submitted. EMPLOYEES WHO HAVE NOT BEEN CONTINUOUSLY ON THE EMPLOYER'S PAYROLL FOR 3 MONTHS IMMEDIATELY PRECEDING THE DATE THE WORK SHARING PLAN IS SUBMITTED MAY BE ADDED TO THE WORK SHARING PLAN PURSUANT TO SUBSECTION (E) OF THIS SECTION AT SUCH TIME AS THE 3 MONTH REQUIREMENT IS MET.

(6) The work sharing plan specifies the effect that work sharing will have on the fringe benefits of the employees in the affected unit or units.

(7) The plan applies to at least 10 percent of the employees in the affected unit or units except that the 10 percent minimum shall be waived if at least 20 employees are affected and the plan applies to all affected employees of the affected unit or units equally.

(8) The plan contains a reemployment assistance plan, developed with the Secretary, for affected employees if the work