

**STATE OF OKLAHOMA
OKLAHOMA EMPLOYMENT SECURITY COMMISSION**

P O BOX 52003
OKLAHOMA CITY, OKLAHOMA 73152-2003

REQUEST FOR DESIGNATION AS A SEASONAL EMPLOYER

Title 40 O.S. §2-422(B) states in part, "Not less than twenty (20) days before the estimated beginning date of a normal seasonal work period, an employer may apply to the Commission in writing for designation as a seasonal employer. At the time of application, the employer shall conspicuously display a copy of the application on the employer's premises. Within ninety (90) days after receipt of the application, the Commission shall determine if the employer is a seasonal employer."

Return completed form to OESC: Attention Contributions Dept. by mail to the address above, fax 405-557-7271 or email Seasonal-Designation@oesc.state.ok.us

1. EMPLOYER NAME/ADDRESS:

2. OKLAHOMA ACCOUNT NUMBER:

_____ - _____

3. NAICS CODE: _____

Zip Code _____ - _____

4. Indicate the beginning and end dates of each normal seasonal work periods:

Period Begin Date (MM-DD-YY)	Period End Date (MM-DD-YY)	Total Number of Weeks

5. Explain why your business/operations require regular recurring periods of seasonal employment –please use additional sheet if necessary:

6. Signed: _____ Date: _____

7. Contact Name: _____ Telephone: () _____

- BELOW FOR COMMISSION USE ONLY -

NOTICE OF DETERMINATION

This Request for Seasonal Employer Designation is: granted _____

This Request for Designation is: denied Reason: _____

OESC Representative: _____ Date: _____

Note: Employers that are granted the designation of seasonal employer should refer to 40 O.S. Sec. 2-422 (A-I) for the responsibilities and requirements of a seasonal employer that will impact a claimant's potential eligibility to receive benefits.

Appeal Rights - Reference Title 40 O.S. Sec 3-115

Within twenty (20) calendar days after the mailing of this Notice of Determination, the employer may file with the Commission, or its representative, a written request for a review and redetermination setting forth the employer's reason therefore. If any employer fails to file a written request for review and redetermination within twenty (20) calendar days, then this initial determination of the Commission shall be final, and no further appeal or protest shall be allowed. Request for Review and Redetermination may be mailed to: DeAnna Smith, Chief of Tax, PO Box 52003, Oklahoma City, OK 73152 or faxed to 405-557-7271.



0078

SEASONAL EMPLOYER DESIGNATION INSTRUCTIONS

Return completed form to OESC: Attention Contributions Dept. by mail to P O BOX 52003, OKLAHOMA CITY, OKLAHOMA 73152-2003, by fax 405-557-7271 or by email Seasonal-Designation@oesc.state.ok.us. OESC will determine the designation under the UI State Law. This form is intended to be self-explanatory; however, the following provides additional information on some items.

- #1 – Employer Name & Address
- #2 – Oklahoma Account Number
- #3 – NAICS Code – the industry code associated with the employer business.
- #4 – Provide the start and end dates of the seasonal work along with the total number of weeks. If multiple seasonal periods, please provide dates for all periods.
- #5 – Explain, for each seasonal period of work, why the operations require regular recurring periods of seasonal employment. Additional pages should be added if necessary.
- #6 – Dated signature of the owner/officer of the business.
- #7 – Printed name and phone number for OESC to contact if necessary.

SEASONAL EMPLOYER RESPONSIBILITIES AS REQUIRED BY [40 O.S. Sec. 2-422](#)

40 O.S. Sec. 2-422 (A)

“...The notice of reasonable assurance shall be given by the employer to the employee in writing on or before the last day of work in the season.”

40 O.S. Sec. 2-422 (B)

Not less than twenty (20) days before the estimated beginning date of a normal seasonal work period, an employer may apply to the Commission in writing for designation as a seasonal employer. At the time of application, the employer shall conspicuously display a copy of the application on the employer's premises.

40 O.S. Sec. 2-422 (C)

In addition to a notice of reasonable assurance as stated in 40 O.S. Sec.2-422 (A) of the OES UI Law employers designated as seasonal employers are required to provide to each employee two other written notices. The notices below must be on a separate document written in clear and concise language that states these provisions. Failure of the employer to give adequate notice as required by this subsection will result in the termination of the employer as a seasonal employer under subsection D of this section.

First notice: within the first seven (7) days of employment the employer shall give notice to each employee of the employer's status as a seasonal employer and the beginning and ending dates of the employer's normal seasonal work periods,

Second notice: On or before the last day of work in the season, if the employer intends to issue a notice of reasonable assurance of employment for the next season, the employer shall also give notice to each employee advising that the employee shall timely file an initial application for unemployment benefits at the end of the current seasonal work period and file timely weekly continued claims thereafter to preserve his or her right to receive retroactive unemployment benefits if he or she is not reemployed by the seasonal employer in the subsequent normal seasonal work period.

40 O.S. Sec. 2-422 (I)

1. "Construction industry" means the work activity designated in Sector Group 23 – Construction of the North American Industrial Classification System published by the Executive Office of the President, Office of Management and Budget, 2012 edition;
2. "Normal seasonal work period" means that period, or those periods, of time during which an individual is employed in seasonal employment, as determined by the Commission;
3. "Seasonal employment" means the employment of one or more individuals primarily hired to perform services during regularly recurring periods of twenty-six (26) weeks or less in any fifty-two-week period other than services in the construction industry;
4. "Seasonal employer" means an employer, other than an employer in the construction industry, who applies to the Commission for designation as a seasonal employer and whom the Commission determines to be an employer whose operations and business require employees engaged in seasonal employment; and
5. "Seasonal worker" means a worker who has been paid wages by a seasonal employer for work performed only during the normal seasonal work period.