

1 **CHAPTER 815. UNEMPLOYMENT INSURANCE**

2
3 **ADOPTED RULES WITH PREAMBLE TO BE SUBMITTED TO THE TEXAS**
4 **REGISTER. THIS DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS**
5 **SUBJECT TO FORMATTING CHANGES AS REQUIRED BY THE TEXAS REGISTER.**
6

7 The Texas Workforce Commission (TWC) adopts the following new section to Chapter 815,
8 relating to Unemployment Insurance, without changes, as published in the October 11, 2019,
9 issue of the *Texas Register* (44 TexReg 5892):

10
11 Subchapter C. Tax Provisions, §815.117

12
13 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

14 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND**
15 **RESPONSES**

16
17 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

18 The purpose of amending the Chapter 815, Unemployment Insurance (UI) rules, is to implement
19 the requirements of Senate Bill (SB) 2296, passed by the 86th Texas Legislature, Regular
20 Session (2019), by providing clear guidelines for employers and the Agency regarding the
21 circumstances in which an employer may designate a Common Paymaster for state
22 unemployment tax reporting purposes.

23
24 On June 10, 2019, the Governor signed SB 2296 which amends §201.011(11) of the Texas
25 Unemployment Compensation Act (TUCA). Effective January 1, 2020, the definition of
26 "employing unit" includes a Common Paymaster as defined in 26 U.S.C. §3306 (p) of the
27 Federal Unemployment Tax Act (FUTA). Under this section "if two or more related corporations
28 concurrently employ the same individual and compensate such individual through a Common
29 Paymaster which is one of such corporations, each such corporation shall be considered to have
30 paid as remuneration to such individual only the amounts actually disbursed by it to such
31 individual and shall not be considered to have paid as remuneration to such individual amounts
32 actually disbursed to such individual by another of such corporations." Under §201.011(11)(B),
33 related corporations utilizing a Common Paymaster must still adhere to the requirements of
34 TUCA Chapter 204, Subchapter E.

35
36 Currently, the Texas Workforce Commission's (Agency) Tax Department requires every
37 employing unit to individually report wages for each of its employees. However, once SB 2296
38 becomes effective, certain related corporations will have the ability to designate one of those
39 corporations as a Common Paymaster with respect to the employees that work concurrently for
40 the related corporations.

41
42 Once approved by the Agency, the Common Paymaster will have the option to report the
43 combined wages of any employee working for the Common Paymaster concurrently employed
44 with one or more related corporations.

1 SB 2296 requires the Commission to adopt rules necessary to implement this new TUCA
2 provision. The Commission recognizes that in order to properly implement SB 2296, the
3 Commission will need to define certain terms and set parameters for eligible related corporations
4 which have established an allowable Common Paymaster arrangement. These rules will need to
5 address definitions for Common Paymaster, what constitute related corporations, and concurrent
6 employment. Also required will be application procedures, TWC method of allocating taxes,
7 useful examples, and how this new tax arrangement will affect claims for unemployment
8 benefits.

9
10 A primary aim of these rules will be to reduce confusion concerning what constitutes an
11 allowable Common Paymaster structure. For example, under a Common Paymaster arrangement,
12 an employee must actually perform services concurrently for the Common Paymaster and each
13 of the related corporations employing the individual for the Common Paymaster to take
14 advantage of this wage reporting method.

15
16 This means that a Common Paymaster structure is in no way similar to a Professional Employer
17 Organization relationship because there is no co-employment relationship and since an
18 individual must actually perform services for the Common Paymaster. Similarly, because an
19 individual must perform services for the Common Paymaster, for a group of related corporations
20 to utilize this arrangement, the Common Paymaster cannot be a purely administrative entity
21 without employees. Payrolling is still not allowable under a Common Paymaster arrangement.

22
23 An additional purpose of these rules is to closely align with FUTA, and its corresponding
24 regulations, so that employers utilizing a Common Paymaster at the federal level can easily
25 match the same standards at the state level. It should be noted that for administrative purposes
26 under these adopted rules, a group of related corporations meeting all requirements may only
27 designate a single Common Paymaster.

28
29 These rule amendments are adopted pursuant to §201.011(11)(A), whereby the Legislature has
30 required TWC's three-member Commission (Commission) to exercise rulemaking authority to
31 administer the provisions of §201.011(11).

32 33 34 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS WITH COMMENTS AND** 35 **RESPONSES**

36 (Note: Minor editorial changes are made that do not change the meaning of the rules and,
37 therefore, are not discussed in the Explanation of Individual Provisions.)

38 39 **SUBCHAPTER C. TAX PROVISIONS**

40 **TWC adopts the following amendment to Subchapter C:**

41 42 **§815.117. Employing Units: Common Paymaster**

43 New Section 815.117 establishes parameters to be used by the Agency's Tax Department for
44 instances in which related corporations that concurrently employ the same workers delegate one
45 of their constituent corporations to serve as a Common Paymaster for employment tax reporting
46 purposes.

1
2 New subsection (a) limits the scope of this new rule to implementation of the Common
3 Paymaster provisions related to the definition of "employing unit" (§201.011(11)), with respect
4 to proper administration of the TUCA as required by SB 2296, 86th Texas Legislature, Regular
5 Session.

6
7 New subsection (b) stipulates the definitions which will apply under §201.011(11). Those are:

8
9 **Common Paymaster**--A Common Paymaster of a group of two or more related corporations is
10 the designated entity which disburses remuneration to concurrently employed individuals of the
11 related corporations and is responsible for keeping books and records for the payroll with respect
12 to those individuals. The following are also incorporated into this definition:

13
14 --The Common Paymaster is not required to disburse remuneration to all the employees of those
15 two or more related corporations. However, this rule does not apply to any remuneration paid to
16 an employee that is not paid through the Common Paymaster;

17
18 --A group of related corporations may only have one Common Paymaster for the group. A group
19 of related corporations may not be subdivided to facilitate multiple Common Paymasters; and

20
21 --When two or more related corporations concurrently employ the same individual and
22 compensate that individual through a Common Paymaster, the Common Paymaster being one of
23 the related corporations for which the individual performs services, each of the corporations is
24 considered to have paid only the remuneration it actually disburses to that individual, unless the
25 disbursing corporation fails to remit the taxes due.

26
27 **Related Corporations**--Two or more corporations are considered related corporations for an
28 entire calendar quarter if any of the following tests are satisfied at any time during that calendar
29 quarter:

30
31 --*Parent-subsidiary controlled group*. The common parent corporation owns stock possessing
32 more than 50 percent of the total combined voting power of all classes of stock entitled to vote or
33 more than 50 percent of the total value of shares of all classes of stock of at least one of its
34 subsidiaries, AND one or more of the corporations, common parent included, owns stock
35 possessing more than 50 percent of the total combined voting power of all classes of stock
36 entitled to vote or more than 50 percent of the total value of shares of all classes of stock of each
37 of the subsidiaries;

38
39 --*Brother-sister controlled group*. Five or fewer persons who are individuals, estates, or trusts
40 own more than 50 percent of the total combined voting power of all classes of stock entitled to
41 vote or more than 50 percent of the total value of all classes of stock of each corporation, taking
42 into account the stock ownership of each person only to the extent such stock ownership is
43 identical with respect to each such corporation;

44
45 --*Combined group*. A group of three or more corporations if each corporation is a member of
46 either a parent-subsidiary controlled group of corporations or a brother-sister controlled group of

1 corporations; **and** at least one of those corporations is the common parent of a parent-subsiary
2 controlled group and also is a member of a brother-sister controlled group;

3
4 --With respect to stock, when a corporation that does not issue stock is involved, corporations are
5 related if either 50 percent or more of the members of one corporation's board of directors (or
6 other governing body) are members of the other corporation's board of directors (or other
7 governing body); **or** the holders of 50 percent or more of the voting power to select members of
8 one corporation's board of directors (or other governing body) are concurrently the holders of
9 more than 50 percent of that power with respect to the other corporation.

10
11 --With respect to concurrent officers and employees, corporations are related if 50 percent or
12 more of one corporation's officers are concurrently officers of the other corporation; **or** 30
13 percent or more of one corporation's employees are concurrently employees of the other
14 corporation.

15
16 **Concurrent Employment**--The *simultaneous* existence of an employment relationship between
17 an individual and two or more corporations. Concurrent employment involves the performance
18 of services by the individual for the benefit of the employing corporation, not merely for the
19 benefit of the group of corporations, in exchange for remuneration. The following are also
20 incorporated into this definition:

21
22 --The simultaneous existence of an employment relationship with each corporation is a decisive
23 factor. If it exists, the fact that a particular employee is on leave or otherwise temporarily
24 inactive is immaterial.

25
26 --Employment is not concurrent with respect to one of the related corporations if the employee's
27 employment relationship with that corporation is completely nonexistent during the periods
28 when the employee is not performing services for that corporation;

29
30 --An individual who does not perform substantial services for a corporation is presumed not
31 employed by that corporation; and

32
33 --A corporation which has no employees performing services for it in Texas cannot be the
34 Common Paymaster for Texas employees of its related corporations.

35
36 New subsection (c) provides for procedures for submission of and approval by the Agency of a
37 Common Paymaster application.

38
39 --Related corporations which compensate their employees through a Common Paymaster must
40 file with the Agency the details of their plan on a form prescribed by the Agency. The details
41 must include the names of the related corporations, the name of the Common Paymaster
42 corporation and the concurrently employed individuals involved. The filing shall include
43 documentation to substantiate the corporations are related as defined in the rule and that
44 employees are concurrently employed. An amendment to the plan must be filed whenever there

1 is a change in the related corporations participating in the plan, a change in the Common
2 Paymaster or a change in the concurrently employed individuals involved.

3
4 --Plans and plan amendments submitted under the rule must be filed within the 30-day period
5 following the end of the calendar quarter in which the plan is in effect. Eligibility of an
6 employee to be compensated through a Common Paymaster shall be determined on a quarterly
7 basis.

8
9 New subsection (d) stipulates how employment taxes required under the TUCA are to be
10 allocated.

11
12 --A Common Paymaster making disbursements on behalf of related corporations to concurrently
13 employed individuals is responsible for taxes, interest and penalties on all wages disbursed by it.

14
15 --If the Common Paymaster fails to remit taxes, interest and penalties on all wages disbursed by
16 it as required, the Agency may hold each of the related corporations liable for a proportionate
17 share of the obligation. "Proportionate share" may be based on sales, property, corporate payroll
18 or any other reasonable basis that reflects the distribution of services of the pertinent employees
19 between the related corporations. If there is no reasonable basis for allocating the amount owed,
20 it shall be divided equally among the related corporations. If a related corporation fails to pay
21 any amount allocated to it pursuant to this section, the Agency may hold any or all of the other
22 related corporations liable for the full amount of the unpaid taxes, interest and penalties.

23
24 --A Common Paymaster is not a successor corporation pursuant to TUCA Chapter 204,
25 Subchapter E, for concurrent employees unless the related corporation ceases operations and is
26 acquired in its entirety by the corporation serving as the Common Paymaster.

27
28 --Wages paid by separate employing units may not be aggregated or combined for purposes of
29 reporting, except as provided in this rule, unless there is an actual transfer of entity and
30 experience rating as provided by TUCA Chapter 204, Subchapter E.

31
32 New subsection (e) describes benefit charging and notice procedures with respect to Common
33 Paymaster arrangements.

34
35 --For purposes of charging benefits paid and mailing notices to base year employers, the
36 Common Paymaster shall be considered the employer for all wages disbursed to individuals by it

1 whether payment was for services performed for the common paymaster or for a related
2 corporation.

3
4 --An employer seeking to establish a Common Paymaster arrangement must designate a mailing
5 address for benefit claim notices with the Agency per §208.003 of the TUCA.

6
7 Finally, new subsection (f) provides examples for the public to clarify the definitions of
8 "Common Paymaster," "Related Corporations," and "Concurrent Employment."

9
10 **Common Paymaster:**

11
12 --S, T, U, and V are related corporations with 2,000 employees collectively. Forty of these
13 employees are concurrently employed and perform services for S and at least one other of the
14 related corporations, during a calendar quarter. The four corporations arrange for S to disburse
15 remuneration to thirty of these forty employees for their services. Under these facts, S is the
16 common paymaster of S, T, U, and V with respect to the thirty employees. S is not a common
17 paymaster with respect to the remaining employees.

18
19 **Related Corporations:**

20
21 *Parent-subsidiary controlled group.*

22
23 --P Corporation owns stock possessing 51 percent of the total combined voting power of all
24 classes of stock entitled to vote of S Corporation. P is the common parent of a parent-subsidiary
25 controlled group consisting of member corporations P and S.

26
27 --Assume the same facts as in subsection (i). Assume further that S owns stock possessing 51
28 percent of the total value of shares of all classes of stock of X Corporation. P is the common
29 parent of a parent-subsidiary controlled group consisting of member corporations P, S, and X.
30 The result would be the same if P, rather than S, owned the X stock.

31
32 --P Corporation owns 51 percent of the only class of stock of S Corporation and S, in turn, owns
33 30 percent of the only class of stock of X Corporation. P also owns 51 percent of the only class
34 of stock of Y Corporation and Y, in turn, owns 30 percent of the only class of stock of X. P is the
35 common parent of a parent-subsidiary controlled group consisting of member corporations P, S,
36 X, and Y.

37
38 *Brother-sister controlled group.*

39
40 --The outstanding stock of corporations X and Y, which have only one class of stock
41 outstanding, is owned by the following unrelated individuals: A owns 40% of X and 20% of Y;
42 B owns 10% of X and 30% of Y; C owns 30% of X and 40% of Y; D owns 20% of X; and E
43 owns 10% of Y. The result is that Corporations X and Y have 3 common owners - A, B, and C.
44 D and E are disregarded from the brother-sister test because they don't have ownership in both
45 companies. A, B, and C have the following Identical Ownership (the lesser of X or Y): A has

1 20%; B has 10%; and C has 30%. A, B, and C meet the identical ownership test because their
2 identical ownership is more than 50 percent of X and Y.

3
4 *Combined group.*

5
6 --A, an individual, owns stock possessing 100 percent of the total combined voting power of all
7 classes of the stock of corporations X and Y. Y, in turn, owns stock possessing 51 percent of the
8 total combined voting power of all classes of the stock of corporation Z. X, Y, and Z are
9 members of the same combined group since X, Y, and Z are each members of either a parent-
10 subsidiary or brother-sister controlled group of corporations AND Y is the common parent of a
11 parent-subsidiary controlled group of corporations consisting of Y and Z, and also is a member
12 of a brother-sister controlled group of corporations consisting of X and Y.

13
14 --Assume the same facts as in subsection (i) and further assume that corporation X owns 51
15 percent of the total value of shares of all classes of stock of corporation S. X, Y, Z, and S are
16 members of the same combined group.

17
18 **Concurrent Employment:**

19
20 --M, N, and O are related corporations which use N as a common paymaster. Their respective
21 headquarters are located in three separate cities several hundred miles apart. A is an officer of M,
22 N, and O who performs substantial services for each corporation. A does not work a set length of
23 time at each corporate headquarters, and when A leaves one corporate headquarters, it is not
24 known when A will return, although it is expected that A will return. Under these facts, A is
25 concurrently employed by the three corporations.

26
27
28 **Summary of comments and agency responses.**

29
30 The public comment period on the proposal began October 11, 2019, and ended November 12,
31 2019. TWC received one timely comment during this time.

32
33 **Keith Ribnick, United States Department of Labor:**

34
35 **Comment: We have reviewed and consulted with the Division of Legislation in the**
36 **Office of Unemployment Insurance regarding the proposed Texas administrative**
37 **rule related to the definition of "Common Paymaster" (attached). We did not**
38 **identify any conformity issues with the proposed rule. If modifications are made to**
39 **the proposed rule or if we can provide additional assistance, please let us know.**

40
41 Response: TWC appreciates the review and findings from the US Department of Labor in
42 accordance with its responsibility under federal law. No changes are necessary in
43 response to this comment.

44
45 The Agency hereby certifies that the adoption has been reviewed by legal counsel and found to
46 be within the Agency's legal authority to adopt.

1
2 The rules are adopted under Texas Labor Code §201.011(11) and §301.0015 which provide
3 TWC with the authority to adopt, amend, or repeal such rules as it deems necessary for the
4 effective administration of unemployment insurance services and activities.

5
6 The adopted rules affect Texas Labor Code, Title 4, Subtitle A, Texas Unemployment
7 Compensation Act.

1 than 50 percent of the total value of shares of all classes of stock of each
2 of the subsidiaries;

3
4 (B) Brother-sister controlled group. Five or fewer persons who are
5 individuals, estates, or trusts own more than 50 percent of the total
6 combined voting power of all classes of stock entitled to vote or more
7 than 50 percent of the total value of all classes of stock of each
8 corporation, taking into account the stock ownership of each person only
9 to the extent such stock ownership is identical with respect to each such
10 corporation;

11
12 (C) Combined group. A group of three or more corporations if:

13
14 (i) Each such corporation is a member of either a parent-subsiary
15 controlled group of corporations or a brother-sister controlled group
16 of corporations; and

17
18 (ii) At least one of such corporations is the common parent of a parent-
19 subsidiary controlled group and also is a member of a brother-sister
20 controlled group;

21
22 (D) When a corporation that does not issue stock is involved, either:

23
24 (i) 50 percent or more of the members of one corporation's board of
25 directors (or other governing body) are members of the other
26 corporation's board of directors (or other governing body); or

27
28 (ii) The holders of 50 percent or more of the voting power to select
29 members of one corporation's board of directors (or other governing
30 body) are concurrently the holders of more than 50 percent of that
31 power with respect to the other corporation;

32
33 (E) 50 percent or more of one corporation's officers are concurrently officers
34 of the other corporation; or

35
36 (F) 30 percent or more of one corporation's employees are concurrently
37 employees of the other corporation.

38
39 (3) Concurrent Employment--means the simultaneous existence of an employment
40 relationship between an individual and two or more corporations. Such a
41 relationship contemplates the performance of services by the individual for the
42 benefit of the employing corporation, not merely for the benefit of the group of

1 corporations, in exchange for remuneration. The following are also
2 incorporated into this definition:

3
4 (A) The simultaneous existence of an employment relationship with each
5 corporation is a decisive factor. If it exists, the fact that a particular
6 employee is on leave or otherwise temporarily inactive is immaterial;

7
8 (B) Employment is not concurrent with respect to one of the related
9 corporations if the employee's employment relationship with that
10 corporation is completely nonexistent during the periods when the
11 employee is not performing services for that corporation;

12
13 (C) An individual who does not perform substantial services for a corporation
14 is presumed not employed by that corporation; and

15
16 (D) A corporation which has no employees performing services for it in
17 Texas cannot be the Common Paymaster for Texas employees of its
18 related corporations.

19
20 (c) Submission and approval of Common Paymaster.

21
22 (1) Related corporations which compensate their employees through a Common
23 Paymaster shall file with the Agency the details of their plan on a form
24 prescribed by the Agency. The details shall include the names of the related
25 corporations, the name of the Common Paymaster corporation and the
26 concurrently employed individuals involved. The filing shall include
27 documentation to substantiate the corporations are related as defined in
28 subsection (b)(2) of this section and that employees are the concurrently
29 employed. An amendment to the plan shall be filed whenever there is a change
30 in the related corporations participating in the plan, a change in the Common
31 Paymaster or a change in the concurrently employed individuals involved.

32
33 (2) Plans and plan amendments submitted pursuant to this rule shall be filed within
34 the 30-day period following the end of the calendar quarter in which the plan is

1 in effect. Eligibility of an employee to be compensated through a Common
2 Paymaster shall be determined on a quarterly basis.

3
4 (d) Allocation of employment taxes.

5
6 (1) A Common Paymaster making disbursements on behalf of related corporations
7 to employed individuals shall be responsible for taxes, interest and penalties on
8 all wages disbursed by it.

9
10 (2) If the Common Paymaster fails to remit taxes, interest and penalties on all
11 wages disbursed by it as required:

12
13 (A) the Agency may hold each of the related corporations liable for a
14 proportionate share of the obligation. Such proportionate share may be
15 based on sales, property, corporate payroll or any other reasonable basis
16 that reflects the distribution of services of the pertinent employees
17 between the related corporations; or

18
19 (B) if there is no reasonable basis for allocating the amount owed, it shall be
20 divided equally among the related corporations. If a related corporation
21 fails to pay any amount allocated to it pursuant to this section, the
22 Agency may hold any or all of the other related corporations liable for the
23 full amount of the unpaid taxes, interest and penalties.

24
25 (3) A Common Paymaster is not a successor corporation pursuant to Texas Labor
26 Code Chapter 204, Subchapter E, for concurrent employees unless the related
27 corporation ceases operations and is acquired in its entirety by the paymaster
28 corporation.

29
30 (4) Wages paid by separate employing units may not be aggregated or combined
31 for purposes of reporting, except as provided in this rule, unless there is an
32 actual transfer of entity and experience rating as provided by Texas Labor
33 Code Chapter 204, Subchapter E.

34
35 (e) Benefits.

36
37 (1) For purposes of charging benefits paid and mailing notices to base year
38 employers, the Common Paymaster shall be considered the employer for all
39 wages disbursed to individuals by the Common Paymaster whether payment

1 was for services performed for the Common Paymaster or for a related
2 corporation.

3
4 (2) An employer seeking to establish a Common Paymaster arrangement shall
5 designate a mailing address for benefit claim notices with the Agency per
6 §208.003 of the Act.

7
8 (f) Examples.

9
10 (1) Common Paymaster. S, T, U, and V are related corporations with 2,000
11 employees collectively. Forty of these employees are concurrently employed
12 and perform services for S and at least one other of the related corporations,
13 during a calendar quarter. The four corporations arrange for S to disburse
14 remuneration to thirty of these forty employees for their services. Under these
15 facts, S is the Common Paymaster of S, T, U, and V with respect to the thirty
16 employees. S is not a Common Paymaster with respect to the remaining
17 employees.

18
19 (2) Related Corporations:

20
21 (A) Parent-subsidiary controlled group.

22
23 (i) P Corporation owns stock possessing 51 percent of the total
24 combined voting power of all classes of stock entitled to vote of S
25 Corporation. P is the common parent of a parent-subsidiary
26 controlled group consisting of member corporations P and S.

27
28 (ii) Assume the same facts as in clause (i) of this subparagraph. Assume
29 further that S owns stock possessing 51 percent of the total value of
30 shares of all classes of stock of X Corporation. P is the common
31 parent of a parent-subsidiary controlled group consisting of member
32 corporations P, S, and X. The result would be the same if P, rather
33 than S, owned the X stock.

34
35 (iii) P Corporation owns 51 percent of the only class of stock of S
36 Corporation and S, in turn, owns 30 percent of the only class of
37 stock of X Corporation. P also owns 51 percent of the only class of
38 stock of Y Corporation and Y, in turn, owns 30 percent of the only
39 class of stock of X. P is the common parent of a parent-subsidiary
40 controlled group consisting of member corporations P, S, X, and Y.

41
42 (B) Brother-sister controlled group. The outstanding stock of corporations X
43 and Y, which have only one class of stock outstanding, is owned by the
44 following unrelated individuals: A owns 40% of X and 20% of Y; B
45 owns 10% of X and 30% of Y; C owns 30% of X and 40% of Y; D owns
46 20% of X; and E owns 10% of Y. The result is that Corporations X and Y

1 have 3 common owners - A, B, and C. D and E are disregarded from the
2 brother-sister test because they don't have ownership in both companies.
3 A, B, and C have the following Identical Ownership (the lesser of X or
4 Y): A has 20%; B has 10%; and C has 30%. A, B, and C meet the
5 identical ownership test because their identical ownership is more than 50
6 percent of X and Y.

7
8 (C) Combined group.

9
10 (i) A, an individual, owns stock possessing 100 percent of the total
11 combined voting power of all classes of the stock of corporations X
12 and Y. Y, in turn, owns stock possessing 51 percent of the total
13 combined voting power of all classes of the stock of corporation Z.
14 X, Y, and Z are members of the same combined group since X, Y,
15 and Z are each members of either a parent-subsiary or brother-
16 sister controlled group of corporations AND Y is the common
17 parent of a parent-subsiary controlled group of corporations
18 consisting of Y and Z, and also is a member of a brother-sister
19 controlled group of corporations consisting of X and Y.

20
21 (ii) Assume the same facts as in clause (i) of this subparagraph and
22 further assume that corporation X owns 51 percent of the total value
23 of shares of all classes of stock of corporation S. X, Y, Z, and S are
24 members of the same combined group.

25
26 (3) Concurrent Employment. M, N, and O are related corporations which use N as
27 a Common Paymaster. Their respective headquarters are located in three
28 separate cities several hundred miles apart. A is an officer of M, N, and O who
29 performs substantial services for each corporation. A does not work a set
30 length of time at each corporate headquarters, and when A leaves one corporate
31 headquarters, it is not known when A will return, although it is expected that A
32 will return. Under these facts, A is concurrently employed by the three
33 corporations.