

CHAPTER 99

(HB 450)

AN ACT relating to extended unemployment benefits.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔Section 1. KRS 341.094 is amended to read as follows:

As used in this chapter, unless the context clearly requires otherwise:

- (1) "Extended benefit period" means a period which:
 - (a) Begins with the third week after a week for which there is a state "on" indicator; and
 - (b) Ends with either of the following weeks, whichever occurs later:
 1. The third week after the first week for which there is a state "off" indicator; or
 2. The thirteenth consecutive week of such period; provided, that no extended benefit period may begin by reason of a state "on" indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state.
- (2) There is a "state 'on' indicator" for this state for a week if the secretary determines, in accordance with the regulations of the United States Secretary of Labor, that for the period consisting of such week and the immediately preceding twelve (12) weeks, the rate of insured unemployment (not seasonally adjusted) under this chapter:
 - (a) Equaled or exceeded one hundred twenty percent (120%) of the average of such rates for the corresponding 13-week period ending in each of the preceding two (2) calendar years, and
 - (b) Equaled or exceeded five percent (5%).
- (3) *Notwithstanding subsection (2) of this section, there is a "state 'on' indicator" for this state with respect to weeks of unemployment until the week ending four (4) weeks prior to the last week of unemployment for which one hundred percent (100%) federal sharing is available under Section 2005(a) of the American Recovery and Reinvestment Act of 2009 (ARRA), Pub. L. No. 111-5, or a similar provision in effect, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of ARRA if:*
 - (a) *The average rate of total unemployment (seasonally adjusted), as determined by the United States Secretary of Labor, for the period consisting of the most recent three (3) months for which data for all states are published before the close of such week equals or exceeds six and one-half percent (6.5%); and*
 - (b) *The average rate of total unemployment in this state (seasonally adjusted), as determined by the United States Secretary of Labor, for the three (3) month period referred to in paragraph (a) of this subsection equals or exceeds one hundred ten percent (110%) of such average for either or both of the corresponding three (3) month periods ending in the preceding two (2) calendar years.*
- (4) There is a "state 'off' indicator" for this state for a week if, for the period consisting of such week and the immediately preceding twelve (12) weeks, ~~either~~ paragraph (a) or (b) of subsection (2) *of this section or subsection (3)* of this section was not satisfied.

➔Section 2. KRS 341.730 is amended to read as follows:

The total extended benefit amount payable to any eligible worker with respect to his applicable benefit year shall be the least of the following amounts:

- (1) Fifty percent (50%) of the maximum amount of regular benefits which were payable to him under this chapter in his applicable benefit year; or
- (2) Thirteen (13) times the weekly benefit rate which was payable to him under this chapter for a week of total unemployment in the applicable benefit year.
- (3) *Effective with respect to weeks beginning in a high unemployment period, subsections (1) and (2) of this section shall be applied by substituting:*

- (a) Eighty percent (80%) for fifty percent (50%) in subsection (1) of this section; and*
- (b) Twenty (20) for thirteen (13) in subsection (2) of this section.*

As used in this subsection, "high unemployment period" means any period during which an extended benefit period would be in effect if subsection (3) of Section 1 of this Act were applied by substituting eight percent (8%) for six and one-half percent (6.5%).

Signed by Governor April 8, 2010.