LABOR CABINET
Office of Unemployment
(Amended at ARRS Committee)

787 KAR 1:260. Voluntary election of coverage.

RELATES TO: KRS 341.070(9), 341.250(3)

STATUTORY AUTHORITY: KRS 336.015, 336.050, 341.115, 2021 Ky Acts ch. 169 Part 1(I)(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations necessary to administer KRS Chapter 341. KRS 341.250(3) authorizes employees to voluntarily elect to cover employment not otherwise covered by the chapter, subject to approval by the secretary. This administrative regulation establishes the process for approval of voluntary election of coverage.

Section 1. An employing unit seeking election of coverage under KRS 341.250(3) shall include in its written election:

(1) For the two (2) calendar years preceding the date of election, or for the total length of existence of the organization, whichever is less:

(a) A list of all funding sources, the revenues received from each, and duration of funding provided from each, accompanied by supporting documentation including grant applications, funding approval letters, and any other relevant material; and

(b) A list of all employees along with gross salaries paid; and

(2) Projections for the two (2) calendar years following the date of election, including:

(a) A list of all anticipated funding sources, the revenues expected from each, and expected duration of funding from each, accompanied by any available documentation supporting these projections; and

(b) The number of workers anticipated and projected salaries for each position.

Section 2. Except as established in Section 3 of this administrative regulation, a voluntary election of coverage shall be approved if the information submitted in accordance with Section 1 of this administrative regulation indicates that the number of employees and the total amount of funding are projected to remain the same or increase over the time period covered by the information.

Section 3. An employing unit shall not be granted for voluntary election in any calendar year if, in the preceding calendar year, the employer contributions deposited to the Unemployment Trust Fund were less than the total benefits paid.

(22 Ky.R. 488; eff. 11-6-1995; 33 Ky.R. 2197; 3191; eff. 5-4-2007; 48 Ky.R. 596, 1538; eff. 2-1-2022.)

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