

787 KAR 1:150. Interstate claimants.

RELATES TO: KRS 341.145, 341.350, 341.360, 341.370, 341.380

STATUTORY AUTHORITY: KRS 151B.020, 341.115

NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the secretary to promulgate administrative regulations necessary to administer KRS Chapter 341. KRS 341.145(1) provides that the secretary may enter into arrangements with other states for the provision of services to unemployed workers. KRS 341.380(1) provides that benefits shall be paid in accordance with administrative regulations promulgated by the secretary. This administrative regulation governs the division in its administrative cooperation with other states for the payment of benefits to interstate claimants.

Section 1. Definitions.

- (1) "Agent state" means a state from which an individual files a claim for benefits payable by another state.
- (2) "Benefits" means the compensation payable to an individual, with respect to his unemployment, under the unemployment insurance law of a state.
- (3) "Interstate benefit payment plan" means the plan approved by the National Association of State Workforce Agencies under which benefits shall be payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.
- (4) "Interstate claimant" means an individual, including an interstate combined wage claimant, who claims benefits under the unemployment insurance law of one (1) or more liable states from an agent state and shall not include an individual who customarily commutes from a residence in an agent state to work in a liable state unless the secretary finds that:
 - (a) Kentucky is the liable state; and
 - (b) The individual is not seeking employment in Kentucky.
- (5) "Liable state" means a state against which an individual files a claim for benefits if filed from another state.
- (6) "State" means one (1) of the fifty (50) states in the United States of America, or Canada, the Virgin Islands, Puerto Rico, or the District of Columbia.

Section 2. The secretary shall apply the terms of the interstate benefit payment plan in his administrative cooperation with other states that have similar administrative provisions in effect for the payment of benefits to interstate claimants.

Section 3. Kentucky as liable state. An interstate claimant filing against Kentucky as the liable state shall follow the procedures for filing a claim and for claiming benefits as established in 787 KAR 1:090, Sections 2 and 3.

Section 4. Registration for Work. Each interstate claimant filing against Kentucky as the liable state shall be registered for work, through any public employment office in the agent state when and as required by the law, regulations, and procedures of the agent state. The registration shall be accepted as meeting the registration requirements of KRS 341.350(2) if proof of registration in the agent state is provided by the interstate claimant.

Section 5. Benefit Rights of Interstate Claimants.

- (1) If a claimant files a claim against a state, and the claimant has available benefit credits in that state, claims shall be filed only against that state as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits.
- (2) Benefit credits shall be deemed to be unavailable if benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits

would otherwise be payable, or if benefits are affected by the application of a seasonal restriction.

(3) The benefit rights of an interstate claimant established by this administrative regulation shall apply only with respect to a new claim (notice of unemployment).

Section 6. Appellate Procedure.

(1) If Kentucky is the agent state, it shall afford all reasonable cooperation in taking of evidence in connection with appealed interstate benefit claims on behalf of the liable state.

(2) With respect to the time limits imposed by KRS 341.420(2) upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to Kentucky on the date it is received by the agent state.

Section 7. Failure to Comply with Administrative Regulations. The provisions of 787 KAR 1:090, Section 6, shall apply to interstate claimants.

(22 Ky.R. 473; eff. 11-6-95; 33 Ky.R. 2184; 3185; eff. 5-4-2007.)