

### **341.710 Eligibility requirements for extended benefits.**

- (1) A worker shall be eligible to receive extended benefits with respect to any week of unemployment in his or her eligibility period only if the secretary finds that with respect to such week:
  - (a) He or she is an "exhaustee" as defined in subsection (5) of KRS 341.096; and
  - (b) He or she has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to workers claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.
- (2) A worker shall not be eligible for extended benefits for any week if:
  - (a) Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and no extended benefit period is in effect for such week in such state. However, this provision shall not apply with respect to the first two (2) weeks for which extended benefits are payable to a worker pursuant to an interstate claim filed under the interstate benefit payment plan; or
  - (b) The secretary finds that during such period:
    1. He or she failed to accept any offer of suitable work (as required for extended benefits), or he or she failed to apply for any suitable work to which he or she was referred by the secretary; or
    2. He or she failed to actively engage in seeking work as defined in this section.
- (3) Any individual who has been found ineligible for extended benefits by reason of the provisions set forth in this section shall be denied benefits for the week in which such failure occurred and thereafter until he or she has been employed in each of four (4) subsequent weeks (whether or not consecutive) and has earned at least four (4) times his or her weekly benefit rate in bona fide full-time covered employment.
- (4) For the purpose of this section, a worker shall be treated as actively engaged in seeking work during any week if:
  - (a) Such worker has engaged in a systematic and sustained effort to obtain work during such week; and
  - (b) Such worker furnishes tangible evidence that he or she has engaged in such effort during such week.
- (5) The secretary shall refer any claimant entitled to receive extended benefits to any suitable work which meets the criteria as required in KRS 341.712 for workers claiming extended benefits.
- (6) Notwithstanding any other provisions of this chapter, if the benefit year of any worker ends within an extended benefit period, the remaining balance of extended benefits that such worker would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero (0)) by the product of the number of weeks for which the worker received any amounts as trade adjustment allowances within that benefit year, multiplied by the worker's weekly benefit amount for extended benefits.

**Effective:** January 1, 2023

**History:** Amended 2022 Ky. Acts ch. 21, sec. 23, effective January 1, 2023. -- Amended 1996 Ky. Acts ch. 266, sec. 22, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 136, sec. 4, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 67, sec. 8, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Created 1972 Ky. Acts ch. 21, sec. 35.

**Legislative Research Commission Note** (1/1/2023). 2022 Ky. Acts ch. 21, sec. 26, provides that the Act, which amended this statute, may be cited as the Unemployment Insurance Sustainability Act of 2022.