

AN ACT relating to unemployment insurance.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

(1) As used in KRS Chapter 341, a "seasonal/on recall employee" means an employee who:

(a) Has definite plans to be recalled to full-time work by an employer which has paid fifty percent (50%) or more of the employee's base period wages;

(b) Has employment which is impacted by weather-related seasonal factors and work is not available at the time of unemployment; and

(c) 1. Is employed by an employer who plans to recall the employee within twelve (12) weeks from the date of the employee filing the initial claim; and

2. The employer certifies that the employee will be recalled within twelve (12) weeks of the initial claim, and if the employee has not been recalled before twelve (12) weeks, the employer shall later certify if weather-related factors prevent a recall at the current time and that a recall is imminent.

(2) The secretary shall prescribe administrative regulations to set forth the requirements for certification that an employee is a seasonal/on recall employee.

➔Section 2. KRS 341.350 is amended to read as follows:

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

(1) He has made a claim for benefits;

(2) (a) For an initial claim made on or after January 1, 2012, he has served a waiting period of one (1) week, during which he has not received benefits. The waiting week period shall be the first compensable week of an initial claim for

benefits for which he is eligible and qualified to receive benefits under this chapter. A waiting week period shall be required for each benefit year, whether or not consecutive. No more than one (1) waiting week period shall be required in any benefit year. The waiting week shall become compensable once the remaining balance on the claim is equal to or less than the compensable amount for the waiting week;

(b) Notwithstanding the requirements in paragraph (a) of this subsection, seasonal/on recall employees shall not be subject to the waiting week and employers of such employees may be assessed an additional charge for the payment of the waiting week;

- (3) (a) He has registered for work with respect to such week in accordance with regulations prescribed by the secretary; and
- (b) He participates in reemployment services, such as job search assistance services, if pursuant to a profiling system established by the secretary, he has been determined to be likely to exhaust regular benefits unless:
1. The claimant has completed the services to which he is referred; or
 2. There is justifiable cause for the claimant's failure to participate in the services. For the purpose of this section, "justifiable cause" shall be interpreted to mean what a reasonable person would do in like circumstances;
- (4) He is physically and mentally able to work;
- (5) He is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances;
- (6) His base-period wages in that calendar quarter of his base period in which such wages were highest are equal to at least seven hundred fifty dollars (\$750), and his total base-period wages are not less than one and one-half (1-1/2) times the base-period wages paid to him in such quarter and he was paid base-period wages in the

last six (6) months of his base period equal to at least eight (8) times his weekly benefit rate with a minimum of seven hundred fifty dollars (\$750) earned outside the high quarter;

- (7) An otherwise eligible worker shall not be denied benefits under subsection (5) of this section or because of his failure to actively seek work, nor disqualified under paragraph (a) of subsection (1) of KRS 341.370 with respect to any week he is in training with the approval of the secretary.
- (8) Notwithstanding any other provisions of this chapter, no otherwise eligible worker shall be denied benefits for any week because he is in training approved under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974), nor shall such worker be denied benefits by reason of leaving work to enter such training provided such work is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law) relating to availability for work, active search for work, or refusal to accept work. For purpose of this subsection, the term "suitable employment" shall mean employment of a substantially equal or higher skill level than the worker's past adversely affected employment as defined in 19 U.S.C. sec. 2319 (Trade Act of 1974), and wages for such work are not less than eighty percent (80%) of the workers' average weekly wage as determined for purposes of the Trade Act of 1974.
- (9) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in this section, excepting subsection (6) of this section, nor in KRS 341.360 or 341.370 shall affect the establishment of a "benefit year."

(10) Notwithstanding any other provisions of this chapter, seasonal/on recall employees shall not be required to meet the requirements in this section concerning participating in reemployment services or finding suitable work as

long as the employer has certified that he or she will recall the employee pursuant to the requirements of Section 1 of this Act.