

1 AN ACT relating to unemployment insurance.

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

3 ➔Section 1. KRS 341.350 is amended to read as follows:

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

6 (1) He ***or she*** has made a claim for benefits;

7 (2) ~~For an initial claim made on or after January 1, 2012, he has served a waiting~~
8 ~~period of one (1) week, during which he has not received benefits. The waiting~~
9 ~~week period shall be the first compensable week of an initial claim for benefits for~~
10 ~~which he is eligible and qualified to receive benefits under this chapter. A waiting~~
11 ~~week period shall be required for each benefit year, whether or not consecutive. No~~
12 ~~more than one (1) waiting week period shall be required in any benefit year. The~~
13 ~~waiting week shall become compensable once the remaining balance on the claim is~~
14 ~~equal to or less than the compensable amount for the waiting week;~~

15 (3) ~~(a)~~ He ***or she*** has registered for work with respect to such week in accordance
16 with regulations prescribed by the secretary; and

17 (b) He ***or she*** participates in reemployment services, such as job search assistance
18 services, if pursuant to a profiling system established by the secretary, he ***or***
19 ***she*** has been determined to be likely to exhaust regular benefits unless:

20 1. The claimant has completed the services to which he ***or she*** is referred;
21 or

22 2. There is justifiable cause for the claimant's failure to participate in the
23 services. For the purpose of this section, "justifiable cause" shall be
24 interpreted to mean what a reasonable person would do in like
25 circumstances;

26 ~~(3)~~~~(4)~~ He ***or she*** is physically and mentally able to work;

27 ~~(4)~~~~(5)~~ He ***or she*** is available for suitable work, and making such reasonable effort to

1 obtain work as might be expected of a prudent person under like circumstances;

2 ~~(5)~~~~(6)~~ His or her base-period wages in that calendar quarter of his or her base period
3 in which such wages were highest are equal to at least seven hundred fifty dollars
4 (\$750), and his or her total base-period wages are not less than one and one-half (1-
5 1/2) times the base-period wages paid to him or her in such quarter and he or she
6 was paid base-period wages in the last six (6) months of his or her base period
7 equal to at least eight (8) times his or her weekly benefit rate with a minimum of
8 seven hundred fifty dollars (\$750) earned outside the high quarter;

9 ~~(6)~~~~(7)~~ An otherwise eligible worker shall not be denied benefits under subsection
10 ~~4~~~~(5)~~ of this section or because of his or her failure to actively seek work, nor
11 disqualified under paragraph (a) of subsection (1) of KRS 341.370 with respect to
12 any week he or she is in training with the approval of the secretary.

13 ~~(7)~~~~(8)~~ Notwithstanding any other provisions of this chapter, no otherwise eligible
14 worker shall be denied benefits for any week because he or she is in training
15 approved under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974),
16 nor shall such worker be denied benefits by reason of leaving work to enter such
17 training provided such work is not suitable employment, or because of the
18 application to any such week in training of provisions in this law (or any applicable
19 federal unemployment compensation law) relating to availability for work, active
20 search for work, or refusal to accept work. For purpose of this subsection, the term
21 "suitable employment" shall mean employment of a substantially equal or higher
22 skill level than the worker's past adversely affected employment as defined in 19
23 U.S.C. sec. 2319 (Trade Act of 1974), and wages for such work are not less than
24 eighty percent (80%) of the workers' average weekly wage as determined for
25 purposes of the Trade Act of 1974.

26 ~~(8)~~~~(9)~~ The foregoing eligibility requirements and the conditions of benefit
27 disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in

1 this section, excepting subsection ~~5[(6)]~~ of this section, nor in KRS 341.360 or
2 341.370 shall affect the establishment of a "benefit year."

3 ➔Section 2. KRS 341.090 is amended to read as follows:

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

5 (1) "Base period" means the first four (4) of the last five (5) completed calendar
6 quarters immediately preceding the first day of a worker's benefit year. However, if
7 an individual lacks sufficient base-period wages because of a job-related injury, and
8 he has received or was eligible to receive workers' compensation, upon written
9 application by the claimant an extended base period will be substituted for the
10 current base period on a quarter-by-quarter basis as needed to establish a valid claim
11 or to increase the benefit rate of a claim if:

12 (a) The individual did not earn wages because of a job-related injury for at least
13 seven (7) weeks of each base period quarter to be substituted by an extended
14 base period quarter;

15 (b) No later than one (1) month prior to the expiration of workers' compensation
16 benefits, the employer or carrier shall inform, orally and in writing, all
17 recipients of their potential eligibility for unemployment insurance, and also
18 provide a statement verifying the individual's eligibility for workers'
19 compensation; and

20 (c) A claim for unemployment insurance compensation is filed no later than the
21 fourth week of unemployment after the end of the period of injury
22 compensated or eligible to be compensated by workers' compensation;

23 (2) "Extended base period" means the four (4) quarters prior to the claimant's base
24 period. These four (4) quarters may be substituted for base-period quarters on a
25 quarter-for-quarter basis in order to establish a valid claim or increase the benefit
26 rate of a valid claim regardless of whether the wages have been used to establish a
27 prior claim, except wages transferred to or from another state under a combined

1 wage agreement will be excluded if used in a prior claim. Benefits paid on the basis
2 of an extended base period, which would not otherwise be payable, shall be charged
3 to the pooled account if the chargeable employer is a contributing employer. If the
4 chargeable employer is a reimbursing employer, benefits shall be billed to his
5 reimbursing account;

6 (3) "Benefit year" for any worker means the fifty-two (52) week period beginning with
7 the first day of the week with respect to which he first requests a determination
8 which establishes his status as a fully insured worker after the termination of his last
9 preceding benefit year, if any, except that the last preceding benefit year shall be a
10 fifty-three (53) week period if fifty-two (52) weeks would result in the overlapping
11 of any calendar quarter of the base period of the new benefit year with the same
12 calendar quarter of the base period of the previous benefit year. As used in this
13 subsection, a worker shall be considered as having insured status, without regard to
14 any other provision of this chapter, if at the time of his request he has satisfied the
15 conditions required under KRS 341.350(5)~~[(6)]~~; and

16 (4) "Base-period wages" means the wages paid to a worker during his base period by
17 subject employers for covered employment. The secretary, upon request of the
18 employee, with respect to this subsection, shall consider wages payable to mean
19 wages paid in order to prevent inequities caused by employer failure to meet a
20 regularly scheduled payday. Lump-sum payments deemed to be wages under this
21 chapter shall be reallocated to periods covered by the payments.