

1 AN ACT relating to re-employment assistance.

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

3 ➔Section 1. KRS 341.380 is amended to read as follows:

- 4 (1) All benefits shall be paid through employment offices, or such other agencies as
5 may be designated by regulations of the secretary. Claims for all payments of
6 benefits shall be made in accordance with regulations of the secretary.
- 7 (2) ~~{The weekly benefit rate payable to an eligible worker for weeks of unemployment~~
8 ~~shall, except as provided in KRS 341.390, be an amount equal to one and three~~
9 ~~thousand seventy-eight ten thousandths percent (1.3078%) of his total base period~~
10 ~~wages, except that no worker's weekly benefit amount shall be less than thirty-nine~~
11 ~~dollars (\$39), nor more than the maximum rate as determined in accordance with~~
12 ~~subsection (3) of this section. For claims effective on or after January 1, 2012, }The~~
13 weekly benefit rate shall, except as provided in KRS 341.390, be one and ***five***
14 ***hundred fifty-five ten thousandths percent (1.0555 %)***~~{one thousand nine hundred~~
15 ~~twenty-three ten thousandths percent (1.1923%)}~~ of his ***or her*** total base-period
16 wages, except that no worker's weekly benefit amount shall be less than thirty-nine
17 dollars (\$39) nor more than the maximum rate as determined in accordance with
18 subsection (3) of this section.
- 19 (3) Prior to the first day of July of each year the secretary shall determine the average
20 weekly wage for insured employment by dividing the average monthly employment,
21 as obtained by dividing the total monthly employment reported by subject
22 employers for the preceding calendar year by twelve (12), into the total wages
23 reported by such employers for such calendar year and dividing by fifty-two (52).
24 Fifty-five percent (55%) of the amount thus obtained, adjusted to the nearest
25 multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for
26 those workers whose benefit year commences on or after the first day of July of
27 such year and prior to the first day of July of the next following year; beginning in

1 calendar year 1999, or any subsequent year in which the increase in the weekly
2 benefit rate calculation set forth in subsection (2) of this section should take effect,
3 sixty-two percent (62%) of the average weekly wage, adjusted to the nearest
4 multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for
5 those workers whose benefit year commences on or after the first day of July of that
6 year and prior to the first day of July of the next following year; except that for the
7 benefit years beginning on or after July 1, 1982, if the "trust fund balance" as of
8 September 30 immediately preceding the benefit year is less than **two hundred**
9 **million (\$200,000,000)**~~one hundred twenty million dollars (\$120,000,000)~~, the
10 maximum weekly benefit rate shall not exceed the prior year's maximum weekly
11 benefit rate. If such "trust fund balance" as of September 30 immediately preceding
12 the benefit year:

- 13 (a) Equals or exceeds **two hundred million dollars (\$200,000,000)**~~one hundred~~
14 ~~twenty million dollars (\$120,000,000)~~, but is less than **three hundred million**
15 **dollars (\$300,000,000)**~~two hundred million dollars (\$200,000,000)~~, the
16 maximum weekly benefit rate shall not exceed the prior year's maximum
17 weekly benefit rate by more than six percent (6%). The rate thus determined
18 shall be adjusted to the nearest multiple of one dollar (\$1);
- 19 (b) Equals or exceeds **three hundred million dollars (\$300,000,000)**~~two hundred~~
20 ~~million dollars (\$200,000,000)~~, but is less than **four hundred million**
21 **dollars (\$400,000,000)**~~three hundred million dollars (\$300,000,000)~~, the
22 maximum weekly benefit rate shall not exceed the prior year's maximum
23 weekly benefit rate by more than eight percent (8%). The rate thus determined
24 shall be adjusted to the nearest multiple of one dollar (\$1);
- 25 (c) Equals or exceeds **four hundred million dollars (\$400,000,000)**~~three~~
26 ~~hundred million dollars (\$300,000,000)~~, but is less than **five hundred million**
27 **dollars (\$500,000,000)**~~four hundred million dollars (\$400,000,000)~~, the

1 maximum weekly benefit rate shall not exceed the prior year's maximum
 2 weekly benefit rate by more than ten percent (10%). The rate thus determined
 3 shall be adjusted to the nearest multiple of one dollar (\$1);

4 (d) Equals or exceeds five hundred million dollars (\$500,000,000)~~[four hundred~~
 5 ~~million dollars (\$400,000,000)]~~, but is less than seven hundred fifty million
 6 dollars (\$750,000,000)~~[five hundred million dollars (\$500,000,000)]~~, the
 7 maximum weekly benefit rate shall not exceed the prior year's maximum
 8 weekly benefit rate by more than twelve percent (12%). The rate thus
 9 determined shall be adjusted to the nearest multiple of one dollar (\$1);

10 (e) Equals or exceeds seventy hundred fifty million dollars (\$750,000,000)~~[five~~
 11 ~~hundred million dollars (\$500,000,000)]~~, the maximum weekly benefit rate
 12 shall not exceed the prior year's maximum weekly benefit rate by more than
 13 fifteen percent (15%). The rate thus determined shall be adjusted to the
 14 nearest multiple of one dollar (\$1); and

15 (f) Is such that it resulted in the establishment of an employer contribution rate
 16 schedule, as provided for in KRS 341.270, for the current calendar year which
 17 has a higher minimum rate than the schedule in effect for the immediately
 18 preceding calendar year, the maximum weekly benefit rate shall not exceed
 19 the prior year's maximum weekly benefit rate.

20 (4) The maximum amount of benefits payable to any worker within any benefit
 21 year shall be twenty (20)~~[the amount equal to whichever is the lesser of:~~

22 ~~(a) Twenty six (26)]~~ times his or her weekly benefit rate~~;~~ ~~or~~

23 ~~(b) One third (1/3) of his base period wages, except that no worker's maximum~~
 24 ~~amount shall be less than fifteen (15) times his weekly benefit rate. Such~~
 25 ~~maximum amount, if not a multiple of one dollar (\$1), shall be adjusted to the~~
 26 ~~nearest multiple of one dollar (\$1)].~~

27 (5) (a) The maximum weekly benefit shall be payable as follows:

- 1 1. One hundred twenty-five percent (125%) for the first five (5) weeks of
2 the award;
- 3 2. One hundred percent (100%) for the second five (5) weeks of the
4 award;
- 5 3. Seventy-five percent (75%) for the third five (5) weeks of the award;
6 and
- 7 4. The remainder of the award shall be paid at fifty percent (50%) of the
8 weekly benefit rate.
- 9 (b) Except the following employees, as classified by the agency, shall receive
10 one hundred percent (100%) of the weekly benefit rate for each week:
- 11 1. Unemployed with definite return to work or recall to work prospects
12 with their last employer within a period of twelve (12) weeks from the
13 date of filing of the initial or reopened claim;
- 14 2. Unemployed due to a labor dispute in his or her work establishment;
15 or
- 16 3. Member of a union which shall be responsible for securing future
17 employment.
- 18 (6) An employee, who has been classified with a group classification code by the
19 agency that meets the requirements of paragraph (b) of subsection (5) of this
20 section, shall remain in this classification throughout the benefit year regardless
21 of whether or not the employee's classification changes.
- 22 (7) If an extension for benefits is authorized by the federal government and federal
23 funding is available, the secretary may elect to extend the maximum amount of
24 benefits payable to any worker, as set forth in subsection (4) of this section, not to
25 exceed twenty-six (26) times the worker's weekly benefit rate.