

1 AN ACT relating to unemployment insurance.

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

3 ➔Section 1. KRS 341.030 is amended to read as follows:

- 4 (1) As used in this chapter, unless the context clearly requires otherwise, and except as
5 provided in subsections (2) to (7) of this section, "wages" means all remuneration
6 for services, including commissions, bonuses, and, except for services performed in
7 agriculture and domestic employment, the cash value of all remuneration in any
8 medium other than cash. The reasonable cash value of remuneration in any medium
9 other than cash shall be estimated and determined in accordance with rules
10 prescribed by the commission.
- 11 (2) Amounts paid to traveling salesmen or other workers as allowance or
12 reimbursement for traveling or other expenses, incurred on the business of the
13 employing unit, constitute wages only to the extent of the excess of the amounts
14 over the expenses actually incurred and accounted for by the worker to his
15 employer; provided, however, that the cash value of meals and lodging when
16 furnished to the worker for the convenience of the employer shall not constitute
17 wages.
- 18 (3) For purposes of this chapter, the term "wages" includes tips which are:
- 19 (a) Received while performing services which constitute employment;
- 20 (b) Included in a written statement furnished to the employer pursuant to Section
21 6053(a) of the Internal Revenue Code; and
- 22 (c) Shall be treated as having been paid by the employing unit.
- 23 (4) "Wages" does not include the amount of any payment made to, or on behalf of, a
24 worker under a plan or system established by an employing unit that makes
25 provision for its workers generally or for a class of its workers, including any
26 amount paid by an employing unit for insurance or annuities, or into a fund, to
27 provide for any such payment, on account of:

- 1 (a) Retirement;
- 2 (b) Sickness or accident disability but, in the case of payments made to an
3 employee or any of his dependents, this subsection shall exclude from the
4 term "wages" only payments which are received under a workers'
5 compensation law;
- 6 (c) Medical and hospitalization expenses in connection with accident or sickness
7 disability; or
- 8 (d) Death, if the worker has not:
- 9 1. The option to receive, instead of provision for the death benefit, any part
10 of the payment, or if the death benefit is insured, any part of the
11 premiums or contributions to premiums paid by his employing unit; and
- 12 2. The right, under the provisions of the plan or system or policy of
13 insurance providing for the death benefit, to assign the benefit, or to
14 receive a cash consideration in lieu of it either upon his withdrawal from
15 the plan or system providing for the benefit or upon termination of the
16 plan or system or policy of insurance or of his employment with his
17 employing unit.
- 18 (5) "Wages" does not include any payment on account of sickness or accident
19 disability, or medical or hospitalization expenses in connection with sickness or
20 accident disability, made by an employer to, or on behalf of, an employee after the
21 expiration of six (6) calendar months following the last calendar month in which the
22 employee worked for the employer.
- 23 (6) "Wages" does not include the amount of any payment made by an employing unit
24 without deduction from the remuneration of the worker of the tax imposed under
25 Section 3101 of the Internal Revenue Code or any payment required from an
26 employer under a state unemployment compensation law with respect to
27 remuneration paid to an employee for domestic service in a private home of the

1 employer or for agricultural labor.

- 2 (7) (a) "Wages" does not, for the purposes of KRS 341.260 to 341.310, include that
3 part of remuneration which, after wages equal to eight thousand dollars
4 (\$8,000) have been paid in a calendar year to a worker by a subject employer
5 or his predecessor with respect to covered employment during any calendar
6 year, is paid to the worker by the subject employer during the calendar year
7 unless that part of the wages is subject to a tax under a federal law, imposing a
8 tax against which credit may be taken for contributions required to be paid
9 into a state unemployment fund. On January 1, 2012, the amount of eight
10 thousand dollars (\$8,000) in this subsection shall increase to nine thousand
11 dollars (\$9,000), which shall increase by an additional three hundred dollars
12 (\$300) on January 1 of each subsequent year, unless limited by paragraph (b)
13 or (c) of this subsection, not to exceed twelve thousand dollars (\$12,000).
14 Notwithstanding paragraphs (b) to (f) of this subsection, once the taxable
15 wage base has reached twelve thousand dollars (\$12,000), on January 1 of
16 each year thereafter, the taxable wage base shall be increased by an amount
17 equal to the percentage increase in the state average weekly wage as
18 calculated by the Bureau of Labor Statistics and as determined by
19 comparing the most recently completed year to the previous year. For the
20 purpose of this subsection, the term "covered employment" shall include
21 service constituting covered employment under any unemployment
22 compensation law of another state.
- 23 (b) If the trust fund balance on September 30 of a calendar year equals or exceeds
24 two hundred million dollars (\$200,000,000), the taxable wage base amount in
25 effect at that time shall not increase on January 1 of the next calendar year or
26 on January 1 of subsequent calendar years, except as provided in paragraphs
27 (c) and (e) of this subsection.

- 1 (c) If the trust fund balance on September 30 of a calendar year equals or exceeds
2 two hundred million dollars (\$200,000,000), but is twenty million dollars
3 (\$20,000,000) or less lower than the trust fund balance amount that would
4 trigger in a lower schedule of contribution rates under KRS 341.270, the
5 taxable wage base shall increase by three hundred dollars (\$300) on January 1
6 of the next calendar year and that taxable wage base amount shall be the
7 taxable wage base amount in effect for subsequent calendar years, subject to
8 the limitations in paragraph (d) of this subsection.
- 9 (d) The total number of years that the increase in the taxable wage base shall be
10 prohibited or limited under paragraph (b) or (c) of this subsection shall not
11 exceed the total number of years that contributing employers paid additional
12 federal unemployment taxes because of a reduction in the credit against the
13 federal unemployment tax established in 26 U.S.C. sec. 3302 beginning in
14 2011.
- 15 (e) If the taxable wage base on January 1 of the calendar year immediately
16 following the last year the increase in the taxable wage base was prohibited or
17 limited under this subsection is less than twelve thousand dollars (\$12,000),
18 the taxable wage base amount shall be increased by three hundred dollars
19 (\$300), and by an additional three hundred dollars (\$300) on January 1 of each
20 subsequent calendar year until the taxable wage base amount reaches twelve
21 thousand dollars (\$12,000).
- 22 (f) Notwithstanding paragraphs (b) and (c) of this subsection, if the trust fund
23 balance is less than two hundred million dollars (\$200,000,000) on September
24 30 of a calendar year, the suspension of the taxable wage base increase shall
25 not occur.
- 26 (g) Notwithstanding any other provision of this subsection, any increase in the
27 maximum weekly benefit rate which otherwise would have occurred except

1 for the suspension of the taxable wage base increase shall be implemented in
2 accordance with the provisions of this chapter.

3 (h) The provisions of this subsection shall apply unless the United States
4 Department of Labor notifies the secretary that implementation of this
5 subsection would result in decertification of Kentucky's unemployment
6 insurance program, impact any cap application, affect the receipt of
7 emergency unemployment compensation funds, create an ineligibility for
8 receipt of federal funds, or result in other penalties or sanctions under the
9 Social Security Act or Federal Unemployment Tax Act, 26 U.S.C. secs. 3301
10 et seq.

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

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

13 (1) "Base period" means the first four (4) of the last five (5) completed calendar
14 quarters immediately preceding the first day of a worker's benefit year, except
15 as provided in subsection (2) or (5) of this section. ~~However, if an individual~~
16 ~~lacks sufficient base period wages because of a job-related injury, and he has~~
17 ~~received or was eligible to receive workers' compensation, upon written~~
18 ~~application by the claimant an extended base period will be substituted for the~~
19 ~~current base period on a quarter-by-quarter basis as needed to establish a valid~~
20 ~~claim or to increase the benefit rate of a claim if:~~

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

24 ~~(b) No later than one (1) month prior to the expiration of workers' compensation~~
25 ~~benefits, the employer or carrier shall inform, orally and in writing, all~~
26 ~~recipients of their potential eligibility for unemployment insurance, and also~~
27 ~~provide a statement verifying the individual's eligibility for workers'~~

1 compensation; and

2 ~~(c) A claim for unemployment insurance compensation is filed no later than the~~
3 ~~fourth week of unemployment after the end of the period of injury~~
4 ~~compensated or eligible to be compensated by workers' compensation];~~

5 (2) "Extended base period" means the four (4) quarters prior to the claimant's base
6 period. These four (4) quarters may be substituted for base-period quarters
7 **established by subsection (1) of this section** on a quarter-for-quarter basis in order
8 to establish a valid claim or increase the benefit rate of a valid claim regardless of
9 whether the wages have been used to establish a prior claim, except wages
10 transferred to or from another state under a combined wage agreement will be
11 excluded if used in a prior claim. Benefits paid on the basis of an extended base
12 period, which would not otherwise be payable, shall be charged to the pooled
13 account if the chargeable employer is a contributing employer. If the chargeable
14 employer is a reimbursing employer, benefits shall be billed to his reimbursing
15 account;

16 (3) "Benefit year" for any worker means the fifty-two (52) week period beginning with
17 the first day of the week with respect to which he first requests a determination
18 which establishes his status as a fully insured worker after the termination of his last
19 preceding benefit year, if any, except that the last preceding benefit year shall be a
20 fifty-three (53) week period if fifty-two (52) weeks would result in the overlapping
21 of any calendar quarter of the base period of the new benefit year with the same
22 calendar quarter of the base period of the previous benefit year. As used in this
23 subsection, a worker shall be considered as having insured status, without regard to
24 any other provision of this chapter, if at the time of his request he has satisfied the
25 conditions required under KRS 341.350(6);~~and~~

26 (4) "Base-period wages" means the wages paid to a worker during his base period by
27 subject employers for covered employment. The secretary, upon request of the

1 employee, with respect to this subsection, shall consider wages payable to mean
 2 wages paid in order to prevent inequities caused by employer failure to meet a
 3 regularly scheduled payday. Lump-sum payments deemed to be wages under this
 4 chapter shall be reallocated to periods covered by the payments; and

5 (5) "Alternative base period" means the four (4) most recently completed calendar
 6 quarters preceding the first day of the claimant's benefit year. The alternative
 7 base period shall be substituted for the base period established by subsection (1)
 8 of this section if a worker does not otherwise have sufficient base period wages to
 9 qualify for benefits, and the worker submits a written application for the
 10 alternative base period to apply.

11 ➔Section 3. KRS 341.094 is amended to read as follows:

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

13 (1) "Extended benefit period" means a period which:

14 (a) Begins with the third week after a week for which there is a state "on"
 15 indicator; and

16 (b) Ends with either of the following weeks, whichever occurs later:

17 1. The third week after the first week for which there is a state "off"
 18 indicator; or

19 2. The thirteenth consecutive week of such period; provided, that no
 20 extended benefit period may begin by reason of a state "on" indicator
 21 before the fourteenth week following the end of a prior extended benefit
 22 period which was in effect with respect to this state.

23 (2) There is a "state 'on' indicator" for this state for a week if:

24 (a) The secretary determines, in accordance with the regulations of the United
 25 States Secretary of Labor, that for the period consisting of such week and the
 26 immediately preceding twelve (12) weeks, the rate of insured unemployment
 27 (not seasonally adjusted) under this chapter[-:]

1 ~~{(a)}~~ equaled or exceeded one hundred twenty percent (120%) of the average of
 2 such rates for the corresponding 13-week period ending in each of the
 3 preceding two (2) calendar years, and

4 ~~{(b)}~~ equaled or exceeded five percent (5%);

5 **(b) The rate of insured unemployment for the period consisting of that week**
 6 **and the immediately preceding twelve (12) weeks equaled or exceeded six**
 7 **percent (6%), regardless of the rate of insured unemployment in the two (2)**
 8 **previous years; or**

9 **(c) 1. The average rate of total unemployment (seasonally adjusted), as**
 10 **determined by the United States Secretary of Labor for the most recent**
 11 **three (3) months for which data for all states are published before the**
 12 **close of that week equals or exceeds six and five-tenths percent**
 13 **(6.5%); and**

14 **2. The average rate of total unemployment in the state, seasonally**
 15 **adjusted, as determined by the United States Secretary of Labor, for**
 16 **the three (3) month period referred to in subparagraph 1. of this**
 17 **paragraph equals or exceeds one hundred ten percent (110%) of the**
 18 **average for either or both of the corresponding three (3) month**
 19 **periods ending in the two (2) preceding calendar years.**

20 (3) Notwithstanding subsection (2) of this section, there is a "state 'on' indicator" for
 21 this state with respect to weeks of unemployment until the week ending four (4)
 22 weeks prior to the last week of unemployment for which one hundred percent
 23 (100%) federal sharing is available **for extended benefits pursuant to federal**
 24 **law** ~~under Section 2005(a) of the American Recovery and Reinvestment Act of~~
 25 ~~2009 (ARRA), Pub. L. No. 111-5, or a similar provision in effect, without regard to~~
 26 ~~the extension of federal sharing for certain claims as provided under Section~~
 27 ~~2005(c) of ARRA if:~~

1 ~~(a) The average rate of total unemployment (seasonally adjusted), as determined~~
 2 ~~by the United States Secretary of Labor, for the period consisting of the most~~
 3 ~~recent three (3) months for which data for all states are published before the~~
 4 ~~close of such week equals or exceeds six and one half percent (6.5%); and~~

5 ~~(b) The average rate of total unemployment in this state (seasonally adjusted), as~~
 6 ~~determined by the United States Secretary of Labor, for the three (3) month~~
 7 ~~period referred to in paragraph (a) of this subsection equals or exceeds one~~
 8 ~~hundred ten percent (110%) of such average for either or both of the~~
 9 ~~corresponding three (3) month periods ending in the preceding two (2)~~
 10 ~~calendar years}.~~

11 (4) There is a "state 'off' indicator" for this state for a week if, for the period consisting
 12 of such week and the immediately preceding twelve (12) weeks, paragraph (a),~~[or]~~
 13 (b), or (c) of subsection (2) of this section were~~[or subsection (3) of this section was~~
 14 }not satisfied.

15 ➔Section 4. KRS 341.125 is amended to read as follows:

16 (1) It shall be the duty of the secretary of the Education and Workforce Development
 17 Cabinet to administer this chapter; and he or she shall have power and authority to
 18 make such expenditures, require such reports, make such investigations, and take
 19 such other action not specifically assigned to the cabinet, as he or she deems
 20 necessary for the proper administration of this chapter.

21 (2) The secretary is authorized, subject to the provisions of KRS Chapters 12, 42, 45,
 22 and 45A, to appoint, fix the compensation, and prescribe duties and powers of such
 23 officers and employees as may be necessary in the performance of his or her duties
 24 under this chapter. All positions shall be filled by persons selected and appointed on
 25 a nonpartisan merit basis. The secretary shall not employ or pay any person who is
 26 an officer or committee member of any political party organization. The secretary
 27 may delegate to any such person so appointed such power and authority as he or she

1 deems reasonable and proper for the effective administration of this chapter.

2 (3) The salary and expenses of the secretary and his or her staff shall be considered a
3 proper cost of the administration of this chapter, to be charged to the unemployment
4 compensation administration fund in that proportion which the cost of such services
5 rendered in the administration of this chapter bears to the overall cost of the services
6 rendered in the administration of the cabinet.

7 (4) The secretary shall submit to the Governor an annual report covering the
8 administration and operation of this chapter and make such recommendations for
9 amendments to this chapter as he or she deems proper.

10 (5) In the administration of this chapter, the secretary shall cooperate to the fullest
11 extent possible with any agency of this state or any other state or of the United
12 States and shall take such action, through the adoption of appropriate rules,
13 regulations, administrative methods, and standards, as may be necessary to secure
14 for this state and its citizens all the advantages available under the provisions of the
15 Social Security Act, as amended, that relate to unemployment compensation, the
16 Federal Unemployment Tax Act, as amended, the Wagner-Peyser Act, as amended,
17 and the Federal-State Extended Unemployment Compensation Act of 1970.

18 **(6) The secretary shall establish a program to train employees involved in the**
19 **processing of unemployment insurance claims on issues related to domestic**
20 **violence and abuse as defined in KRS 403.720 and dating violence and abuse,**
21 **sexual assault, or stalking as defined in KRS 456.010. The secretary shall provide**
22 **a report on or before September 30 of each year to the Legislative Research**
23 **Commission detailing the number of claims filed under subsection (6) of Section**
24 **9 of this Act.**

25 ➔Section 5. KRS 341.243 is amended to read as follows:

26 (1) There is created within the State Treasury a special fund known as the service
27 capacity upgrade fund that shall be administered separate and apart from all public

1 money or funds of the state.

2 (2) The service capacity upgrade fund shall be used solely for acquisition and
3 upgrading of the technology base, program integrity functions, and service delivery
4 capacity in support of the programs administered by the Office of Unemployment
5 Insurance. The secretary shall have full power, authority, and jurisdiction over the
6 fund, including all money, property, and securities belonging thereto, and shall
7 perform any act necessary or convenient in the administration of the fund consistent
8 with this section. Any expenditure of the fund shall be coordinated with and
9 approved by the Commonwealth Office of Technology, and nothing in this section
10 shall be construed as reducing or limiting the authority of the Commonwealth's
11 chief information officer over all technology expenditures. The secretary shall
12 provide an annual report to the Interim Joint Committee on Economic Development
13 and Workforce Investment detailing all receipts and expenditures of the fund.

14 (3) Any money collected under the provisions of this section shall be invested at
15 interest in banks or other interest-bearing obligations of the United States.
16 Investments shall at all times be made so that all the assets of the service capacity
17 upgrade fund shall be convertible into cash when needed for the payment of
18 expenses incurred in upgrading the service capacity of the Office of Unemployment
19 Insurance. All interest income received under this section shall be credited to the
20 fund. The State Treasurer shall dispose of securities or other property belonging to
21 the fund only under the direction of the secretary and the secretary of the Finance
22 and Administration Cabinet.

23 (4) Beginning October 1, 2018 through December 31, 2021, all rates otherwise
24 established under KRS 341.270 and 341.272 shall be adjusted by subtracting
25 seventy-five thousandths percent (0.075%) from each rate, but only if the
26 unemployment insurance trust fund balance exceeds the balance of the trust fund as
27 of December 31, 2017.

1 (5) For any calendar year in which all rates have been reduced in accordance with
2 subsection (4) of this section, all contributory employers shall pay into the service
3 capacity upgrade fund an amount equal to the percentage by which rates were
4 reduced multiplied by their taxable wages paid during that calendar year. Payments
5 shall be made at the same time and in the same manner as prescribed for payment of
6 contributions under KRS 341.260 and all regulations prescribed by the secretary in
7 support of that section. The restrictions in KRS 341.470(1) apply equally to the
8 provisions of this section. Failure to make these payments shall be subject to
9 interest and all other collection actions provided for failure to make contributions
10 under KRS 341.300.

11 (6) Beginning on January 1, 2022, all contributory employers shall pay an
12 assessment equal to the following:

13 (a) If the trust fund balance is between zero and four hundred thirty-three
14 million dollars (\$433,000,000) as of September 30 of the previous year,
15 twenty-five thousandths percent (0.025%) multiplied by their taxable wages
16 paid during the prior year; and

17 (b) If the trust fund balance exceeds four hundred thirty-three million dollars
18 (\$433,000,000) as of September 30 of the previous year, seventy-five
19 thousandths (0.075%) multiplied by their taxable wages paid during the
20 prior year.

21 (7) All payments required under subsection (5) and (6) of this section, along with any
22 interest due to late payment of these assessments, shall be deposited in the service
23 capacity upgrade fund.

24 (8)~~(7)~~ Notwithstanding subsection (4) of this section, the secretary may exercise his
25 or her discretion to reduce the percentage rate prescribed in subsection (4) of this
26 section or suspend required payments to the service capacity upgrade fund at any
27 time.

1 ~~(9)~~⁽⁸⁾ The secretary shall suspend the reduction of the rate prescribed in subsection
2 (4) of this section **and the assessment established by subsection (6) of this section**
3 at any time when collections for the service capacity upgrade fund exceed a
4 cumulative amount of sixty million dollars (\$60,000,000). At the time payments are
5 suspended, any funds thus far collected under subsection (4) **and subsection (6)** of
6 this section in excess of those necessary to fund technology upgrades, shall be
7 deposited into the unemployment insurance trust fund. Any future collection of past
8 due payments to the service capacity upgrade fund, including any applicable penalty
9 and interest funds, shall be deposited into the penalty and interest fund.

10 ➔Section 6. KRS 341.270 is amended to read as follows:

11 (1) Except as otherwise provided in this section, each employer's contribution rate shall
12 be three percent (3%). Effective for employers who become subject to this chapter
13 on or after January 1, 1999, except as otherwise provided in this section, each
14 employer's contribution rate shall be two and seven-tenths percent (2.7%).

15 (2) Except as otherwise provided in this section, no subject employer's contribution rate
16 shall be less than two and seven-tenths percent (2.7%), unless he has been an
17 employer subject to the provisions of this chapter for twelve (12) consecutive
18 calendar quarters ended as of the computation date. In any calendar year in which
19 the rate schedule prescribed in paragraph (3)(a) of this section is in effect, no
20 subject employer who was assigned an entry rate of three percent (3.0%) under the
21 provisions of subsection (1) of this section prior to January 1, 1999, shall have a
22 contribution rate less than two and eight hundred fifty-seven thousandths percent
23 (2.857%), unless subject to this chapter for the minimum time period specified
24 above.

25 (3) **Except as provided in subsection (6) of this section,** for the calendar year 2001 and
26 each calendar year thereafter, employer contribution rates shall be determined in
27 accordance with "Table A" set out in subsection (4) of this section. For each

1 calendar year, the secretary shall determine the rate schedule to be in effect based
2 upon the "trust fund balance" as of September 30 of the preceding year. If the "trust
3 fund balance":

4 (a) Equals or exceeds one and eighteen hundredths percent (1.18%) of the total
5 wages paid in covered employment in the state during the state fiscal year
6 ended as of June 30 of that year, the rates listed in the "Trust Fund Adequacy
7 Rates" schedule of "Table A" shall be in effect;

8 (b) Equals or exceeds five hundred million dollars (\$500,000,000) but is less than
9 the amount required to effectuate the "Trust Fund Adequacy Rates" schedule
10 as provided in paragraph (a) of this subsection, the rates listed in "Schedule
11 A" of "Table A" shall be in effect;

12 (c) Equals or exceeds three hundred fifty million dollars (\$350,000,000) but is
13 less than five hundred million dollars (\$500,000,000), the rates listed in
14 "Schedule B" of "Table A" shall be in effect;

15 (d) Equals or exceeds two hundred fifty million dollars (\$250,000,000) but is less
16 than three hundred fifty million dollars (\$350,000,000), the rates listed in
17 "Schedule C" of "Table A" shall be in effect;

18 (e) Equals or exceeds one hundred fifty million dollars (\$150,000,000) but is less
19 than two hundred fifty million dollars (\$250,000,000), the rates listed in
20 "Schedule D" of "Table A" shall be in effect; and

21 (f) Is less than one hundred fifty million dollars (\$150,000,000), the rates listed in
22 "Schedule E" of "Table A" shall be in effect.

23 (4) **Except as provided in subsection (6) of this section,** for the calendar year 1982 and
24 each calendar year thereafter, contribution rates shall be determined upon the basis
25 of an individual employer's reserve ratio as of the computation date and the
26 schedule of rates established under subsection (3) of this section. Except as
27 otherwise provided in this section, the contribution rate for each subject employer

1 for the calendar year immediately following the computation date shall be the rate
 2 in that "Schedule" of "Table A," as set out below, effective with respect to the
 3 calendar year, which appears on the same line as his reserve ratio as shown in the
 4 "Employer Reserve Ratio" column of the same table.

5 TABLE A

6 Rate Schedule

7 Employer	Trust	A	B	C	D	E
8 Reserve	Fund					
9 Ratio	Adequacy					
10	Rates					
11 8.0% and						
12 over	0.000%	0.30%	0.40%	0.50%	0.60%	1.00%
13 7.0% but						
14 under 8.0%	0.000%	0.40%	0.50%	0.60%	0.80%	1.05%
15 6.0% but						
16 under 7.0%	0.008%	0.50%	0.60%	0.70%	0.90%	1.10%
17 5.0% but						
18 under 6.0%	0.208%	0.70%	0.80%	1.00%	1.20%	1.40%
19 4.6% but						
20 under 5.0%	0.508%	1.00%	1.20%	1.40%	1.60%	1.80%
21 4.2% but						
22 under 4.6%	0.808%	1.30%	1.50%	1.80%	2.10%	2.30%
23 3.9% but						
24 under 4.2%	1.008%	1.50%	1.70%	2.20%	2.40%	2.70%
25 3.6% but						
26 under 3.9%	1.308%	1.80%	1.80%	2.40%	2.60%	3.00%
27 3.2% but						

1	under 3.6%	1.508%	2.00%	2.10%	2.50%	2.70%	3.10%
2	2.7% but						
3	under 3.2%	1.608%	2.10%	2.30%	2.60%	2.80%	3.20%
4	2.0% but						
5	under 2.7%	1.708%	2.20%	2.50%	2.70%	2.90%	3.30%
6	1.3% but						
7	under 2.0%	1.808%	2.30%	2.60%	2.80%	3.00%	3.40%
8	0.0% but						
9	under 1.3%	1.908%	2.40%	2.70%	2.90%	3.10%	3.50%
10	-0.5% but						
11	under -0.0%	6.500%	6.50%	6.75%	7.00%	7.25%	7.50%
12	-1.0% but						
13	under -0.5%	6.750%	6.75%	7.00%	7.25%	7.50%	7.75%
14	-1.5% but						
15	under -1.0%	7.000%	7.00%	7.25%	7.50%	7.75%	8.00%
16	-2.0% but						
17	under -1.5%	7.250%	7.25%	7.50%	7.75%	8.00%	8.25%
18	-3.0% but						
19	under -2.0%	7.500%	7.50%	7.75%	8.00%	8.25%	8.50%
20	-4.0% but						
21	under -3.0%	7.750%	7.75%	8.00%	8.25%	8.50%	8.75%
22	-6.0% but						
23	under -4.0%	8.250%	8.25%	8.50%	8.75%	9.00%	9.25%
24	-8.0% but						
25	under -6.0%	8.500%	8.50%	8.75%	9.00%	9.25%	9.50%
26	Less						
27	than -8.0%.	9.000%	9.00%	9.25%	9.50%	9.75%	10.00%

1 (5) As used in this section and elsewhere in this chapter, unless the context clearly
2 requires otherwise:

3 (a) "Trust fund balance" means the amount of money in the unemployment
4 insurance fund, less any unpaid advances made to the state under Section 1201
5 of the Social Security Act. In determining the amount in the fund as of a given
6 date all money received by the Office of Unemployment Insurance,
7 Department of Workforce Investment, on that date shall be considered as
8 being in the fund on that date;

9 (b) "Total wages" means all remuneration for services, as defined in KRS
10 341.030(1) to (7), paid by subject employers;

11 (c) An employer's "reserve ratio" means the percentage ratio of his reserve
12 account balance as of the computation date to his taxable payrolls for the
13 twelve (12) consecutive calendar quarters ended as of June 30 immediately
14 preceding the computation date;

15 (d) For the purposes of this section, an employer's "reserve account balance"
16 means the amount of contributions credited to his reserve account as of the
17 computation date, less the benefit charges through June 30 immediately
18 preceding the computation date. If benefits charged to an account exceed
19 contributions credited to the account, the account shall be considered as
20 having a debit balance and a reserve ratio of "less than zero"; and

21 (e) "Computation date" is July 31 of each calendar year prior to the effective date
22 of new rates of contributions.

23 **(6) For the calendar year 2022 and each calendar year thereafter, contribution rates**
24 **shall be determined pursuant to Section 17 of this Act.**

25 ➔Section 7. KRS 341.350 is amended to read as follows:

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

- 1 (1) He or she has made a claim for benefits;
- 2 (2) For an initial claim made on or after January 1, 2012, he or she has served a waiting
3 period of one (1) week, during which he or she has not received benefits. The
4 waiting week period shall be the first compensable week of an initial claim for
5 benefits for which he or she is eligible and qualified to receive benefits under this
6 chapter. A waiting week period shall be required for each benefit year, whether or
7 not consecutive. No more than one (1) waiting week period shall be required in any
8 benefit year. The waiting week shall become compensable once the remaining
9 balance on the claim is equal to or less than the compensable amount for the waiting
10 week;
- 11 (3) (a) He or she has registered for work with respect to such week in accordance
12 with administrative regulations promulgated by the secretary; and
- 13 (b) He or she participates in reemployment services, such as job search assistance
14 services, if pursuant to a profiling system established by the secretary, he or
15 she has been determined to be likely to exhaust regular benefits unless:
- 16 1. The claimant has completed the services to which he or she is referred;
17 or
- 18 2. There is justifiable cause for the claimant's failure to participate in the
19 services. For the purpose of this section, "justifiable cause" shall be
20 interpreted to mean what a reasonable person would do in like
21 circumstances;
- 22 (4) He or she is physically and mentally able to work;
- 23 (5) He or she is available for suitable work, and making such reasonable effort to obtain
24 work as might be expected of a prudent person under like circumstances. **If he or**
25 **she was employed part-time prior to making a claim for benefits, efforts to obtain**
26 **similar part-time work shall be sufficient to be eligible for benefits;**
- 27 (6) His or her base-period wages in that calendar quarter of his or her base period in

1 which such wages were highest are equal to at least one thousand five hundred
2 dollars (\$1,500), and his or her total base-period wages are not less than one and
3 one-half (1-1/2) times the base-period wages paid to him or her in such quarter and
4 he or she was paid base-period wages in the last six (6) months of his or her base
5 period equal to at least eight (8) times his or her weekly benefit rate with a
6 minimum of one thousand five hundred dollars (\$1,500) earned outside the high
7 quarter. Beginning on January 1, 2020, and continuing on January 1 in even-
8 numbered years thereafter, the secretary shall adjust the minimum base-period
9 wages at a rate that is directly proportional to the average percentage change in the
10 Consumer Price Index for All Urban Consumers (CPI-U) for the two (2) previous
11 calendar years;

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

16 (8) Notwithstanding any other provisions of this chapter, no otherwise eligible worker
17 shall be denied benefits for any week because he or she is in training approved
18 under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974) **or other**
19 **training approved by the secretary that will lead to suitable employment**, nor shall
20 such worker be denied benefits by reason of leaving work to enter such training
21 provided such work is not suitable employment, or because of the application to any
22 such week in training of provisions in this law (or any applicable federal
23 unemployment compensation law) relating to availability for work, active search for
24 work, or refusal to accept work. For purpose of this subsection, the term "suitable
25 employment" shall mean employment of a substantially equal or higher skill level
26 than the worker's past adversely affected employment as defined in 19 U.S.C. sec.
27 2319 (Trade Act of 1974), and wages for such work are not less than eighty percent

1 (80%) of the workers' average weekly wage as determined for purposes of the Trade
2 Act of 1974.

3 (9) The foregoing eligibility requirements and the conditions of benefit
4 disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in
5 this section, excepting subsection (6) of this section, nor in KRS 341.360 or
6 341.370 shall affect the establishment of a "benefit year."

7 ➔Section 8. KRS 341.360 is amended to read as follows:

8 (1) No worker may be paid benefits for any week of unemployment:

9 (a) With respect to which a strike or other bona fide labor dispute which caused
10 him or her to leave or lose his or her employment is in active progress in the
11 establishment in which he or she is or was employed, except that benefits may
12 be paid unless the employer notifies the Office of Unemployment Insurance,
13 Department of Workforce Investment, in writing within seven (7) days after
14 the beginning of such alleged strike or labor dispute of the alleged existence of
15 such strike or labor dispute. For the purpose of this subsection, a lockout shall
16 not be deemed to be a strike or a bona fide labor dispute and no worker shall
17 be denied benefits by reason of a lockout;

18 (b) For which he or she has received or is seeking unemployment compensation
19 under an unemployment compensation law of another state or of the United
20 States, except as otherwise provided by an arrangement between this state and
21 such other state or the United States; but if the appropriate agency of such
22 state or of the United States finally determines that he or she is not entitled to
23 such unemployment compensation, this subsection shall not apply;

24 (c) 1. Which, when based on service in an instructional, research, or principal
25 administrative capacity in an institution of higher education as defined in
26 KRS 341.067(2) or in an educational institution as defined in KRS
27 341.067(4), begins during the period between two (2) successive

- 1 academic years, or during a similar period between two (2) regular
2 terms, whether or not successive, or during a period of paid sabbatical
3 leave provided for in the individual's contract, if the worker performs
4 such services in the first of such academic years or terms and if there is a
5 contract or a reasonable assurance that the worker will perform such
6 services in any such capacity for any institution or institutions of higher
7 education or an educational institution in the second of such academic
8 years or such terms; or
- 9 2. Which, when based on service other than as defined in subparagraph 1.
10 of this paragraph, in an institution of higher education or an educational
11 institution, as defined in KRS 341.067(2) or (4), begins during the
12 period between two (2) successive academic years or terms, if the
13 worker performs such services in the first of such academic years or
14 terms and there is a reasonable assurance that the worker will perform
15 such services in the second of such academic years or terms; except that
16 if benefits are denied to any worker under this paragraph and such
17 worker was not offered an opportunity to perform such services for such
18 institution of higher education or such educational institution for the
19 second of such academic years or terms, such worker shall be entitled to
20 a retroactive payment of benefits for each week for which the worker
21 filed a timely claim for benefits and for which benefits were denied
22 solely by reason of this paragraph; or
- 23 3. Which, when based on service in any capacity defined in subparagraphs
24 1. and 2. of this paragraph, begins during an established and customary
25 vacation period or holiday recess if the worker performs any such
26 services in the period immediately before such vacation period or
27 holiday recess, and there is a reasonable assurance that such worker will

1 perform any such services in the period immediately following such
 2 vacation period or holiday recess; or

3 4. Based on service in any capacity defined in subparagraph 1. or 2. of this
 4 paragraph when such service is performed by the worker in an institution
 5 of higher education or an educational institution, as defined in KRS
 6 341.067(2) or (4), while the worker is in the employ of an educational
 7 service agency, and such unemployment begins during the periods and
 8 pursuant to the conditions specified in subparagraphs 1., 2., and 3. of
 9 this paragraph. For purposes of this paragraph, the term "educational
 10 service agency" means a governmental agency or governmental entity
 11 which is established and operated exclusively for the purpose of
 12 providing such services to one (1) or more institutions of higher
 13 education or educational institutions.~~[-]~~

14 Notwithstanding any other provision of this paragraph, any benefits paid to a
 15 worker based on service other than as defined in subparagraph 1. of this
 16 paragraph performed in an institution of higher education as defined in KRS
 17 341.067(2) shall be deemed to have been paid as a result of Office of
 18 Unemployment Insurance, Department of Workforce Investment, error and
 19 not recoverable by the cabinet or such institution if such payment is improper
 20 by virtue of the retroactive application to October 30, 1983, of subparagraph
 21 2. of this paragraph; or

22 (d) With respect to which the worker is suspended from work for misconduct, as
 23 defined in KRS 341.370~~(7)~~~~(6)~~, connected with the work.

24 (2) Benefits shall not be paid to any individual on the basis of any services,
 25 substantially all of which consist of participating in sports or athletic events or
 26 training or preparing to so participate, for any week which commences during the
 27 period between two (2) successive sport seasons or similar periods and there is a

1 reasonable assurance that such individual will perform such services in the later of
2 such seasons or similar periods.

3 (3) (a) Benefits shall not be paid on the basis of services performed by an alien unless
4 such alien is an individual who was lawfully admitted for permanent residence
5 at the time such services were performed, was lawfully present for purposes of
6 performing such services, or was residing in the United States under color of
7 law at the time such services were performed, including an alien who was
8 lawfully present in the United States as a result of the application of the
9 provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and
10 Nationality Act.

11 (b) Any data or information required of individuals applying for benefits to
12 determine whether benefits are not payable to them because of their alien
13 status shall be uniformly required from all applicants for benefits.

14 (c) In the case of an individual whose application for benefits would otherwise be
15 approved, no determination that benefits to such individual are not payable
16 because of his or her alien status shall be made except upon a preponderance
17 of the evidence.

18 ➔Section 9. KRS 341.370 is amended to read as follows:

19 (1) A worker shall be disqualified from receiving benefits for the duration of any period
20 of unemployment with respect to which:

21 (a) He or she has failed without good cause either to apply for available, suitable
22 work when so directed by the employment office or the secretary or to accept
23 suitable work when offered him or her, or to return to his or her customary
24 self-employment when so directed by the secretary; or

25 (b) He or she has been discharged for misconduct or dishonesty connected with
26 his or her most recent work, or from any work which occurred after the first
27 day of the worker's base period and which last preceded his or her most recent

1 work, but legitimate activity in connection with labor organizations or failure
2 to join a company union shall not be construed as misconduct; or

3 (c) He or she has left his or her most recent suitable work or any other suitable
4 work which occurred after the first day of the worker's base period and which
5 last preceded his or her most recent work voluntarily without good cause
6 attributable to the employment. No otherwise eligible worker shall be
7 disqualified from receiving benefits for:

8 1. Leaving his or her next most recent suitable work which was concurrent
9 with his or her most recent work;

10 2. Leaving work which is one hundred (100) road miles or more, as
11 measured on a one (1) way basis, from his or her home to accept work
12 which is less than one hundred (100) road miles from his or her home;

13 3. Accepting work which is a bona fide job offer with a reasonable
14 expectation of continued employment; ~~{or}~~

15 4. Leaving work to accompany the worker's spouse to a different state,
16 military base of assignment, or duty station that is one hundred (100)
17 road miles or more, as measured on a one (1) way basis, from the
18 worker's home when the spouse is reassigned by the military;

19 5. Leaving work to accompany the worker's spouse to the spouse's
20 employment to a different location that is one hundred (100) road
21 miles or more, as measured on a one (1) way basis, from his or her
22 home; or

23 6. Leaving work due to a bona fide non-work-related illness or injury
24 that prevented him or her from continuing the employment or from
25 continuing the employment without undue risk of harm to the worker.

26 (2) A worker shall be disqualified from receiving benefits for any week with respect to
27 which he or she knowingly made a false statement to establish his or her right to or

1 the amount of his or her benefits, and, within the succeeding twenty-four (24)
2 months, for the additional weeks immediately following the date of discovery, not
3 to exceed a total of fifty-two (52), as may be determined by the secretary.

4 (3) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) of this
5 section unless the employer, within a reasonable time as prescribed by regulations
6 promulgated by the secretary, notifies the Education and Workforce Development
7 Cabinet and the worker in writing of the alleged voluntary quitting or the discharge
8 for misconduct. Nothing in this subsection shall restrict the right of the secretary to
9 disqualify a worker whose employer has refused or failed to notify the Education
10 and Workforce Development Cabinet of the alleged voluntary quitting or discharge
11 for misconduct, if the alleged voluntary quitting or discharge for misconduct is
12 known to the secretary prior to the time benefits are paid to the worker. The
13 exercise of the right by the secretary, in the absence of timely notice from the
14 employer, shall not relieve the employer's reserve account or reimbursing
15 employer's account of benefit charges under the provisions of subsection (3) of KRS
16 341.530.

17 (4) As used in this section and in subsection (3) of KRS 341.530, "most recent" work
18 shall be construed as that work which occurred after the first day of the worker's
19 base period and which last preceded the week of unemployment with respect to
20 which benefits are claimed; except that, if the work last preceding the week of
21 unemployment was seasonal, intermittent, or temporary in nature, most recent work
22 may be construed as that work last preceding the seasonal, intermittent, or
23 temporary work.

24 (5) No worker shall be disqualified or held ineligible under the provisions of this
25 section or KRS 341.350, who is separated from employment pursuant to a labor
26 management contract or agreement, or pursuant to an established employer plan,
27 program, or policy, which permits the employer to close the plant or facility for

1 purposes of vacation or maintenance.

2 (6) (a) No worker shall be disqualified or held ineligible under the provisions of
3 this section or Section 7 of this Act who leaves work, is unable to work, or is
4 separated from employment due to circumstances directly resulting from
5 domestic violence and abuse as defined in KRS 403.720, or from dating
6 violence and abuse, sexual assault, or stalking as defined in KRS 456.010,
7 and with respect to which:

8 1. The worker fears domestic violence and abuse, dating violence and
9 abuse, sexual assault, or stalking at or en route to or from the
10 worker's place of employment;

11 2. The worker wishes to relocate to another geographic area in order to
12 avoid future domestic violence and abuse, dating violence and abuse,
13 sexual assault, or stalking against the worker, the worker's family, or
14 coworkers; or

15 3. The worker believes that leaving work is necessary for the future
16 safety and health of the worker, the worker's family, or coworkers.

17 (b) To assist in the determination as to whether a worker has experienced
18 domestic violence and abuse, dating violence and abuse, sexual assault, or
19 stalking for the purpose of benefit eligibility, the worker shall provide
20 documentation of domestic or dating violence and abuse, sexual assault, or
21 stalking as prescribed in administrative regulations promulgated by the
22 secretary, including but not limited to police or court records, a sworn
23 statement by the worker, or other documentation of domestic or dating
24 violence and abuse, sexual assault, or stalking from a shelter worker,
25 attorney, member of the clergy, or medical or other professional from whom
26 the worker has sought assistance.

27 (c) All documentation of evidence shall be kept confidential unless consent for

1 *disclosure is given in writing by the worker.*

2 (7) "Discharge for misconduct" as used in this section shall include but not be limited
 3 to, separation initiated by an employer for falsification of an employment
 4 application to obtain employment through subterfuge; knowing violation of a
 5 reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if
 6 the worker cannot show good cause for absences or tardiness; damaging the
 7 employer's property through gross negligence; refusing to obey reasonable
 8 instructions; reporting to work under the influence of alcohol or drugs or consuming
 9 alcohol or drugs on employer's premises during working hours; conduct
 10 endangering safety of self or co-workers; and incarceration in jail following
 11 conviction of a misdemeanor or felony by a court of competent jurisdiction, which
 12 results in missing at least five (5) days work.

13 (8)~~(7)~~ "Duration of any period of unemployment," as that term is used in this section,
 14 shall be the period of time beginning with the worker's discharge, voluntary
 15 quitting, or failure to apply for or accept suitable work and running until the worker
 16 has worked in each of ten (10) weeks, whether or not consecutive, and has earned
 17 ten (10) times his or her weekly benefit rate in employment covered under the
 18 provisions of this chapter or a similar law of another state or of the United States.

19 ➔Section 10. KRS 341.380 is amended to read as follows:

20 (1) All benefits shall be paid through employment offices, or such other agencies as
 21 may be designated by regulations of the secretary. Claims for all payments of
 22 benefits shall be made in accordance with regulations of the secretary.

23 (2) The weekly benefit rate payable to an eligible worker for weeks of unemployment
 24 shall, except as provided in KRS 341.390, be an amount equal to one and three
 25 thousand seventy-eight ten-thousandths percent (1.3078%) of his total base-period
 26 wages, except that no worker's weekly benefit amount shall be less than thirty-nine
 27 dollars (\$39), nor more than the maximum rate as determined in accordance with

1 subsection (3) of this section. For claims effective on or after January 1, 2012, the
2 weekly benefit rate shall, except as provided in KRS 341.390, be one and one
3 thousand nine hundred twenty-three ten-thousandths percent (1.1923%) of his total
4 base-period wages, except that no worker's weekly benefit amount shall be less than
5 **one hundred dollars (\$100)**~~[thirty-nine dollars (\$39)]~~ nor more than the maximum
6 rate as determined in accordance with subsection (3) of this section. **The minimum**
7 **amount in this subsection shall be adjusted annually, beginning January 1, 2022,**
8 **based on the Consumer Price Index for All Urban Consumers U.S. city average,**
9 **all items, published by the United States Department of Labor, Bureau of Labor**
10 **Statistics.**

11 (3) Prior to the first day of July of each year the secretary shall determine the average
12 weekly wage for insured employment by dividing the average monthly employment,
13 as obtained by dividing the total monthly employment reported by subject
14 employers for the preceding calendar year by twelve (12), into the total wages
15 reported by such employers for such calendar year and dividing by fifty-two (52).
16 Fifty-five percent (55%) of the amount thus obtained, adjusted to the nearest
17 multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for
18 those workers whose benefit year commences on or after the first day of July of
19 such year and prior to the first day of July of the next following year; beginning in
20 calendar year 1999, or any subsequent year in which the increase in the weekly
21 benefit rate calculation set forth in subsection (2) of this section should take effect,
22 sixty-two percent (62%) of the average weekly wage, adjusted to the nearest
23 multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for
24 those workers whose benefit year commences on or after the first day of July of that
25 year and prior to the first day of July of the next following year; except that for the
26 benefit years beginning on or after July 1, 1982, if the "trust fund balance" as of
27 September 30 immediately preceding the benefit year is less than one hundred

1 twenty million dollars (\$120,000,000), the maximum weekly benefit rate shall not
2 exceed the prior year's maximum weekly benefit rate. If such "trust fund balance" as
3 of September 30 immediately preceding the benefit year:

- 4 (a) Equals or exceeds one hundred twenty million dollars (\$120,000,000), but is
5 less than two hundred million dollars (\$200,000,000), the maximum weekly
6 benefit rate shall not exceed the prior year's maximum weekly benefit rate by
7 more than six percent (6%). The rate thus determined shall be adjusted to the
8 nearest multiple of one dollar (\$1);
- 9 (b) Equals or exceeds two hundred million dollars (\$200,000,000), but is less than
10 three hundred million dollars (\$300,000,000), the maximum weekly benefit
11 rate shall not exceed the prior year's maximum weekly benefit rate by more
12 than eight percent (8%). The rate thus determined shall be adjusted to the
13 nearest multiple of one dollar (\$1);
- 14 (c) Equals or exceeds three hundred million dollars (\$300,000,000), but is less
15 than four hundred million dollars (\$400,000,000), the maximum weekly
16 benefit rate shall not exceed the prior year's maximum weekly benefit rate by
17 more than ten percent (10%). The rate thus determined shall be adjusted to the
18 nearest multiple of one dollar (\$1);
- 19 (d) Equals or exceeds four hundred million dollars (\$400,000,000), but is less
20 than five hundred million dollars (\$500,000,000), the maximum weekly
21 benefit rate shall not exceed the prior year's maximum weekly benefit rate by
22 more than twelve percent (12%). The rate thus determined shall be adjusted to
23 the nearest multiple of one dollar (\$1);
- 24 (e) Equals or exceeds five hundred million dollars (\$500,000,000), the maximum
25 weekly benefit rate shall not exceed the prior year's maximum weekly benefit
26 rate by more than fifteen percent (15%). The rate thus determined shall be
27 adjusted to the nearest multiple of one dollar (\$1); and

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

6 (4) The maximum amount of benefits payable to any worker within any benefit year
7 shall be the amount equal to whichever is the lesser of:

8 (a) Twenty-six (26) times his weekly benefit rate; or

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

13 ➔Section 11. KRS 341.415 is amended to read as follows:

14 (1) (a) Any person who has received any sum as benefits under this chapter or any
15 other state's unemployment insurance statutes or any United States
16 Department of Labor unemployment insurance benefit program, providing the
17 secretary has signed a reciprocal agreement with such other state or the United
18 States Department of Labor as provided in KRS 341.145, while any condition
19 for the receipt of such benefits was not fulfilled in his case, or while he or she
20 was disqualified from receiving benefits, or if he or she has received benefits
21 in weeks for which he or she later receives a back pay award, shall, in the
22 discretion of the secretary, either have such sum deducted from any future
23 benefits payable to him or her under this chapter or repay the Office of
24 Unemployment Insurance, Department of Workforce Investment, for the fund
25 a sum equal to the amount so received by him or her.

26 (b) If after due notice, the recipient of such sum fails to remit or arrange for
27 remittance of the sum, the sum may be collected in the manner provided in

- 1 KRS 341.300(2) for collection of past-due contributions and any sums so
2 collected shall be credited to the pooled account or the appropriate
3 reimbursing employer account.
- 4 (c) The appropriate reimbursing employer account shall not receive credit for
5 sums collected under this subsection or KRS 341.550(2)(b) if a determination
6 has been made that an improper benefit payment established after October 21,
7 2013, was due to the reimbursing employer, or an agent of the employer, in
8 accordance with the provisions of KRS 341.530(4)(a) and (b). The sums
9 collected shall be credited to the pooled account.
- 10 (d) If any benefit was paid as a result of office error as defined by administrative
11 regulation, there shall be no recoupment or recovery of an improperly paid
12 benefit, except by deduction from any future benefits payable to him or her
13 under this chapter. For purposes of this section, overpayments as a result of a
14 reversal of entitlement to benefits in the appeal or review process shall not be
15 construed to be the result of office error.
- 16 (2) At or after the commencement of an action under subsection (1) of this section,
17 attachment may be had against property of the recipient of improperly paid benefits
18 in the manner provided in KRS 341.300(3).
- 19 (3) A lien on a parity with state, county, and municipal ad valorem tax liens, is hereby
20 created in favor of the office upon all property of any recipient of improperly paid
21 benefits. This lien shall be for a sum equal to the amount of the overpayment finally
22 determined and shall continue until the amount of the overpayment plus any
23 subsequent assessment of additional improperly paid benefits, penalty, interest, and
24 fees are fully paid. The lien shall commence from such time as the recipient has
25 exhausted or abandoned the appeal procedure set forth in this chapter and the
26 amount of the overpayment is finally fixed. A notice of lien may be filed in the
27 same manner as that provided for in KRS 341.310.

- 1 (4) Any amount paid to a person as benefits, which he has been found liable to repay or
2 to have deducted from future benefits under subsections (1), (2), and (3) of this
3 section, which has neither been repaid nor so deducted within a period of five (5)
4 years following the last day of the benefit year within which it was paid, may be
5 deemed to be uncollectible and shall be permanently charged to the pooled account,
6 except that if such payment was made by reason of fraudulent representations, no
7 future benefits shall be paid such person within a period of ten (10) years of the last
8 day of the benefit year within which such payments were made at which time these
9 amounts may be declared uncollectible. Nothing in this subsection shall be deemed
10 to affect collection of improperly paid benefits pursuant to a judgment or other legal
11 remedy.
- 12 (5) In the event benefits have been paid as a result of a false statement,
13 misrepresentation, or concealment of material information by a recipient of benefits
14 and have not been repaid by the recipient within one (1) calendar year from the date
15 of the first notice, interest at the rate of one and five-tenths percent (1.5%) per
16 month or any part thereof, shall be imposed on and added to the unpaid balance
17 each successive month, providing due notice has been given to the recipient. Such
18 interest shall be paid into the unemployment compensation administration account.
- 19 (6) A recipient of benefits paid as a result of a false statement, misrepresentation, or
20 concealment of material information by the recipient shall be assessed a fifteen
21 percent (15%) penalty of the amount of improperly paid benefits. The penalty under
22 this subsection shall be collected in the same manner as improperly paid benefits in
23 this section and paid into the unemployment trust fund.
- 24 (7) The deduction from future benefits specified in subsection (1) of this section shall
25 be limited to twenty-five percent (25%) of the benefit amount otherwise payable
26 under this chapter unless the overpayment resulted from a backpay award, false
27 statement, misrepresentation, or concealment of material information by a recipient

1 of benefits. In these instances, the rate of deduction shall be one hundred percent
 2 (100%). The rate of deduction from benefits payable by another state or the United
 3 States of America shall be determined by the applicable state or federal statute.

4 **(8) The secretary may waive an overpayment of benefits if he or she finds that**
 5 **recovery of the overpayment would be against equity and good conscience and the**
 6 **overpayment was:**

7 **(a) Due to administrative, clerical, or office error; or**

8 **(b) Was not the result of fraud, misrepresentation, willful nondisclosure, or**
 9 **fault attributable to the recipient.**

10 ➔Section 12. KRS 341.530 is amended to read as follows:

11 (1) The Office of Unemployment Insurance, Department of Workforce Investment,
 12 shall maintain a reserve account for each subject employer making contributions to
 13 the fund and a reimbursing employer account for each subject employer making
 14 payment in lieu of contributions, and shall, except as provided in KRS 341.590,
 15 credit to such account the total amount of all contributions or benefit reimbursement
 16 paid by the employer on his **or her** own behalf. Nothing in this section or elsewhere
 17 in this chapter shall be construed to grant any employer or individual who is or was
 18 in his **or her** employ prior claims or rights to the amounts paid by him **or her** into
 19 the fund.

20 (2) **(a)** Except as provided in subsection (3) of this section, all regular benefits paid to
 21 an eligible worker in accordance with KRS 341.380 plus the extended benefits
 22 paid in accordance with KRS 341.700 to 341.740, subject to the provisions of
 23 paragraphs ~~[(a) and](b)~~ **and (c)** of this subsection, shall be charged against the
 24 reserve account or reimbursing employer account of his **or her** most recent
 25 employer. No employer shall be deemed to be the most recent employer unless
 26 the eligible worker to whom benefits are payable shall have worked for such
 27 employer in each of ten (10) weeks whether or not consecutive back to the

1 beginning of the worker's base period.

2 ~~(b)(a)~~ Subject employers, which are not governmental entities as defined in
3 KRS 341.069, shall be charged one-half (1/2) of the extended benefits paid in
4 accordance with KRS 341.700 to 341.740. ~~}; and}~~

5 ~~(c)(b)~~ Subject employers which are governmental entities, as defined in KRS
6 341.069, shall be charged for all extended benefits paid in accordance with
7 KRS 341.700 to 341.740 for compensable weeks occurring on or after January
8 1, 1979, and for one-half (1/2) of the extended benefits paid for compensable
9 weeks occurring prior to such date.

10 (3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an
11 eligible worker and chargeable to a contributing employer's reserve account under
12 such subsection shall be charged against the pooled account if such worker was
13 discharged by such employer for misconduct connected with his or her most recent
14 work for such employer, voluntarily left his or her most recent work with such
15 employer without good cause attributable to the employment, voluntarily left the
16 employer to protect himself or herself or his or her family or coworkers from
17 domestic violence and abuse as defined in KRS 403.720 or dating violence and
18 abuse, sexual assault, or stalking as defined in KRS 456.010, or the employer has
19 continued to provide part-time employment and wages, without interruption, to the
20 same extent that was provided from the date of hire, and the employer within a
21 reasonable time, as prescribed by regulation of the secretary, notifies the office, in
22 writing, of the alleged voluntary quitting, discharge for misconduct or continuing
23 part-time employment; provided, however, that no employer making payments to
24 the fund in lieu of contributions shall be relieved of charges by reason of this
25 subsection.

26 (4) Notwithstanding the provisions of subsection (3) of this section, no contributing
27 employer's reserve account shall be relieved of any charges for benefits relating to

- 1 an improper benefit payment to a worker established after October 21, 2013, if:
- 2 (a) The improper benefit payment was made because the employer, or an agent of
3 the employer, was at fault for failing to respond timely or adequately to the
4 request of the secretary for information relating to a claim for benefits; and
- 5 (b) The employer, or an agent of the employer, has a pattern of failing to respond
6 timely or adequately to requests under paragraph (a) of this subsection. For
7 purposes of this paragraph, a "pattern of failing" means at least six (6) failures
8 occur in a calendar year or the failure to respond to two percent (2%) of such
9 requests in a calendar year, whichever is greater.
- 10 (5) Any determination under subsection (4) of this section shall be transmitted to the
11 last known physical or electronic address provided by the employer and may be
12 appealed in accordance with the provisions of KRS 341.420(2).
- 13 (6) Each subject employer's reserve account or reimbursing account shall, unless
14 terminated as of the computation date ~~{[as defined in subsection (5) of KRS~~
15 ~~341.270]}~~, be charged with all benefits paid to eligible workers which are
16 chargeable to such reserve account or reimbursing account under subsection (2) of
17 this section. A subject employer's reserve account or reimbursing account shall be
18 deemed to be terminated if he or she has ceased to be subject to this chapter, and his
19 or her account has been closed and any balance remaining therein has been
20 transferred to the fund's pooled account or to a successor's account as provided in
21 KRS 341.540 or has been refunded if the employer is a reimbursing employer.
- 22 (7) Notwithstanding subsection (1) of this section, two (2) or more nonprofit Internal
23 Revenue Code sec. 501(c)(3) organizations may jointly request the secretary to
24 establish a group reserve account or reimbursing account for such nonprofit
25 organizations. Two (2) or more governmental entities may jointly request the
26 secretary to establish a group reserve account or reimbursing account, and once
27 established, such account shall remain in effect at least two (2) calendar years and

1 thereafter until either dissolved at the discretion of the secretary or upon filing
2 application for dissolution by the group members. Each member of a group shall be
3 jointly and severally liable for all payments due under this chapter from each or all
4 of such group members. The secretary shall prescribe such procedures as he or she
5 deems necessary for the establishment, maintenance, and dissolution of a group
6 reserve account or reimbursing account.

7 (8) Any subject contributing employer may at any time on or before December 31,
8 2011, make voluntary payments to the fund, additional to the contributions required
9 under KRS 341.260 and 341.270. Effective January 1, 2012, any subject
10 contributing employer with a negative reserve account balance may make voluntary
11 payments to the fund every other calendar year, in addition to the contributions
12 required under KRS 341.260 and 341.270. Notwithstanding any other provision of
13 this chapter, contributions paid on or before the computation date and voluntary
14 payments made within twenty (20) days following the mailing of notices of new
15 rates shall be credited to an employer's reserve account as of the computation date,
16 provided no voluntary payments shall be used in computing an employer's rate
17 unless the payment is made prior to the expiration of one hundred~~and~~ twenty
18 (120) days after the beginning of the year for which the rate is effective. Voluntary
19 payments by any employer shall not exceed any negative balance they may have in
20 their reserve account as of the computation date. Any employer who is delinquent in
21 the payment of contributions, penalties, or interest as of the computation date shall
22 be entitled to make voluntary payments only after the amount of the delinquency is
23 paid in full.

24 ➔Section 13. KRS 341.730 is amended to read as follows:

25 The total extended benefit amount payable to any eligible worker with respect to his
26 applicable benefit year shall be the least of the following amounts:

27 (1) Fifty percent (50%) of the maximum amount of regular benefits which were payable

- 1 to him under this chapter in his applicable benefit year; or
- 2 (2) Thirteen (13) times the weekly benefit rate which was payable to him under this
- 3 chapter for a week of total unemployment in the applicable benefit year.
- 4 (3) Effective with respect to weeks beginning in a high unemployment period, ***if one***
- 5 ***hundred percent (100%) federal sharing is available,*** subsections (1) and (2) of
- 6 this section shall be applied by substituting:
- 7 (a) Eighty percent (80%) for fifty percent (50%) in subsection (1) of this section;
- 8 and
- 9 (b) Twenty (20) for thirteen (13) in subsection (2) of this section.

10 As used in this subsection, "high unemployment period" means any period during

11 which an extended benefit period would be in effect if KRS 341.094(2)(c) ~~(3)~~

12 were applied by substituting eight percent (8%) for six and one-half percent (6.5%).

13 ➔Section 14. KRS 151B.285 is amended to read as follows:

14 **(1)** The Education and Workforce Development Cabinet shall administer and supervise

15 state employment offices and perform any other duties within the Act of Congress

16 entitled "An Act to provide for the establishment of a National Employment Service

17 and for Cooperation with the State in the Promotion of Such System and for Other

18 Purposes," approved June 6, 1933 (48 Stat. 113, U.S.C., Title 29, sec. 49(c)), as

19 amended, and known as the Wagner-Peyser Act. All duties and powers relating to

20 the establishment, maintenance, and operation of free public employment offices

21 are vested in the Education and Workforce Development Cabinet. ***The cabinet shall***

22 ***establish a network of full-time free public employment offices that offer in-***

23 ***person services across the state, administered by the Kentucky Career Center,***

24 ***with a goal of having an office located within fifty (50) driving miles of the***

25 ***residence or workplace of each person who may need such services.***

26 **(2)** The provisions of the Wagner-Peyser Act, as amended, are accepted by this state in

27 conformity with Section 4 of that Act, and this state will observe and comply with

1 the requirements of that Act. The Education and Workforce Development Cabinet is
2 designated and constituted the agency of this state for the purposes of the Wagner-
3 Peyser Act.

4 ➔SECTION 15. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO
5 READ AS FOLLOWS:

6 *(1) As used in this section, "dependent" means a person receiving more than one-*
7 *half (1/2) of the cost of his or her support from the unemployed worker that is:*

8 *(a) An unemployed worker's lawful spouse who is living in the same household*
9 *and who is being wholly or chiefly supported by the unemployed worker at*
10 *the beginning of the unemployed worker's benefit year; or*

11 *(b) An unemployed worker's unmarried child, stepchild, or legally adopted*
12 *child who was wholly or chiefly supported by the unemployed worker and*
13 *the individual was, at the beginning of the unemployed workers' benefit*
14 *year, seventeen (17) years old or younger or eighteen (18) years old or older*
15 *and unable to engage in gainful occupation due to a mental or physical*
16 *disability.*

17 *(2) The benefit amount of any unemployed worker shall be increased by twenty-five*
18 *dollars (\$25) for each individual dependent of the unemployed worker, with this*
19 *amount to be adjusted annually, beginning January 1, 2022, based on the*
20 *Consumer Price Index for All Urban Consumers U.S. city average, all items,*
21 *published by the United States Department of Labor, Bureau of Labor Statistics.*
22 *This benefit amount shall computed at the time of application for benefits and*
23 *shall remain fixed for the remainder of the unemployed worker's benefit year.*

24 ➔SECTION 16. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO
25 READ AS FOLLOWS:

26 *(1) The secretary, under a voluntary shared work unemployment compensation*
27 *program designed to reduce unemployment and stabilize the work force, shall*

1 allow participating employees shared work benefits.

2 (a) The secretary shall promulgate regulations in accordance with KRS
3 Chapter 13A to administer the shared work program; and

4 (b) Employers shall not be excluded from participating in the program based
5 on the account balance, reserve ratio, or experience rating of the employer.

6 (2) The employer wishing to participate in the shared work program must submit a
7 written shared work plan to the secretary for approval. If the employee who
8 participates in a shared work plan is covered by a collective bargaining
9 agreement, the collective bargaining agent must approve the plan in writing.

10 (3) The secretary shall develop an application form to request approval of a work
11 sharing plan and an approval process. Any application, whether for initial
12 approval, approval following one (1) or more disapprovals, for modification or in
13 participation in another work sharing plan after the expiration or termination of
14 an approved plan, shall include:

15 (a) The affected unit or units covered by the plan, including the number of full-
16 time or part-time workers in such unit, the percentage of workers in the
17 affected unit covered by the plan, identification of each individual employee
18 in the affected unit by name, Social Security number and the employer's
19 unemployment tax account number and any other information required by
20 the director to identify plan participants;

21 (b) A description of how workers in the affected unit will be notified of the
22 employer's participation in the work sharing program if such application is
23 approved, including how the employer will notify those workers in a
24 collective bargaining unit, as well as any workers in the affected unit who
25 are not in a collective bargaining unit. If the employer will not provide
26 advance notice to workers in the affected unit, the employer shall explain in
27 a statement in the application why it is not feasible to provide such notice;

1 (c) A requirement that the employer identify the usual weekly place of work for
2 employees in the affected unit and the specific percentage by which their
3 hours will be reduced during all weeks covered by the plan. An application
4 shall specify the percentage of reduced hours for which a work sharing
5 application may be approved. This percentage shall not be less than 10
6 percent (10%) nor more than sixty percent (60%). If the plan includes any
7 week for which the employer regularly provides no work due to a holiday or
8 other plant closing, then that week shall be identified in the application;

9 (d) Certification by the employer that, if the employer provides health and
10 retirement benefits to any employee whose usual weekly hours of work are
11 reduced under the program, those benefits will continue to be provided to
12 employees participating in the work sharing program under the same terms
13 and conditions as though the usual weekly hours of work of the employee
14 had not been reduced or to the same extent as other employees not
15 participating in the work sharing program;

16 1. For defined benefit retirement plans, the hours that are reduced under
17 the work sharing plan shall be credited for purposes of participation,
18 vesting and accrual of benefits as though the usual weekly hours of
19 work had not been reduced. The dollar amount of employer
20 contributions to a defined contribution plan that are based on a
21 percentage of compensation may be less due to the reduction in the
22 employee's compensation; and

23 2. Notwithstanding subparagraph 1. of this paragraph, an application
24 may contain the required certification when a reduction in health and
25 retirement benefits scheduled to occur during the duration of the plan
26 will be applicable equally to employees who are not participating in
27 the work sharing program and to those employees who are

1 participating;

2 (e) Certification by the employer that the aggregate reduction in work hours is
3 in lieu of temporary or permanent layoffs, or both. The application shall
4 include an estimate of the number of workers who would have been laid off
5 in the absence of the work sharing plan;

6 (f) Certification by the employer that participation in the work sharing plan
7 and its implementation are consistent with the employer's obligations under
8 applicable federal and state laws, and that the plan shall not serve as a
9 subsidy of seasonal employment during the season, nor as a subsidy of
10 temporary part-time or intermittent employment;

11 (g) Agreement by the employer to:

12 1. Furnish reports to the director relating to the proper conduct of the
13 plan;

14 2. Allow the director or the director's authorized representatives access to
15 all records necessary to approve or disapprove the plan application,
16 and after approval of a plan, to monitor and evaluate the plan; and

17 3. Follow any other directive director deems necessary for the agency to
18 implement the plan and that are consistent with the requirements for
19 plan applications; and

20 (h) The effective date and duration of the plan, which shall expire not later
21 than the end of the twelfth full calendar month after the effective date.

22 (4) Notwithstanding any other provision of this chapter, an individual is unemployed
23 for the purposes of this chapter in a week in which the individual works under an
24 approved shared work plan in effect for that week for less than the individual's
25 normal weekly hours of work.

26 (5) An individual is eligible to receive shared work benefits for a week in which:

27 (a) The individual is employed as a member of an affected unit subject to a

1 shared work plan that was approved before that week and is in effect for
 2 that week;

3 (b) The individual is able to work and is available for additional hours of work
 4 or for full-time work with the participating employer; and

5 (c) The individual's normal weekly hours of work have been reduced by at least
 6 ten percent (10%) but not more than sixty percent (60%), with a
 7 corresponding reduction in wages.

8 (6) The commission shall pay an individual who is eligible for shared work benefits a
 9 weekly shared work benefit in an amount equal to the individual's regular weekly
 10 benefit amount for a period of total unemployment multiplied by the nearest full
 11 percentage of reduction of the individual's wages under the employer's shared
 12 work plan.

13 ➔SECTION 17. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO
 14 READ AS FOLLOWS:

15 (1) The provisions of this section shall apply to determine employer contribution
 16 rates instead of the provisions of Section 6 of this Act for tax periods beginning
 17 on or after January 1, 2022.

18 (2) As used in this section:

19 (a) "Average high cost multiple" means the trust fund balance less any federal
 20 or other loans for which the trust fund is liable divided by total wages as of
 21 December 31, with the resulting number divided by the average high cost
 22 rate;

23 (b) "Average high cost rate" means the average of the three highest annual
 24 benefit cost rates in the last twenty (20) years, or a period including three

25 (3) national recessions, if longer;

26 (c) "Base financing rate" means the financing rate in effect when the desired
 27 level of trust fund solvency is within its target range and from which

- 1 increases or decreases are applied based on solvency levels;
- 2 (d) "Benefit cost rate" means total benefits divided by total wages for taxable
- 3 employers;
- 4 (e) "Current financing rate" means the employer rate that applies during the
- 5 current year, including the base financing rate and adjustments made to
- 6 reach the desired level of trust fund solvency;
- 7 (f) "Desired level of trust fund solvency" means an average high cost multiple
- 8 of between one (1) and one and two-tenths (1.2);
- 9 (g) "Gap-closing percentage" means thirty percent (30%) of the gap between
- 10 the current and desired level of trust fund solvency to be closed by the
- 11 current financing rate;
- 12 (h) "Office" means the Office of Unemployment Insurance, Department of
- 13 Workforce Investment;
- 14 (i) "Shared cost" means benefit costs not recoverable from individual
- 15 employers, including non-charged benefits, benefits charged to inactive
- 16 employers, and ineffectively charged benefits;
- 17 (j) "Trust fund balance" means the balance in the state's account in the
- 18 unemployment trust fund in the United States Treasury. For purposes of
- 19 measuring solvency, outstanding federal loans and other loans for which
- 20 the trust fund is liable shall be subtracted from the actual balance. The state
- 21 may also subtract "Reed Act" balances not available for benefit payments
- 22 and add in the balances of the benefit payment and clearing accounts; and
- 23 (k) "Trust fund gap" means the difference between the current solvency level
- 24 and the desired level of trust fund solvency.
- 25 (3) Employer contribution rates shall be determined by the office annually on or
- 26 before October 15 of each year based on the calculation of a current financing
- 27 rate, and the assignment of rates to individual employers based on each

1 employer's experience as provided in this section.

2 (4) The current financing rate shall be determined as follows:

3 (a) The base financing rate shall be determined using the average benefit cost
4 rate over the most recent twenty (20) years, provided that the range selected
5 shall include at least one period of high benefit payouts, even if that period
6 is not within the most recent twenty (20) years. The average benefit cost rate
7 shall be converted to a financing rate that is a percentage of taxable wages
8 by estimating the ratio of taxable to total wages for the upcoming year and
9 dividing the average benefit cost rate by that estimate. The benefit cost rate
10 shall be adjusted to consider any changes in the law that impact the number
11 of people receiving benefits, the length of time benefits are received, or
12 weekly benefit received. The base financing rate shall apply when the trust
13 fund is at the desired level of trust fund solvency.

14 (b) The base financing rate shall be adjusted annually by adding to or
15 subtracting from that rate depending on the state trust fund balance on
16 September 30 of each year, compared to the desired level of trust fund
17 solvency. If the trust fund solvency level is above or below the desired level
18 of trust fund solvency, the trust fund gap shall be determined, and converted
19 to a percentage of taxable wages. The gap-closing percentage shall be added
20 to the base financing rate, if the trust fund balance is above the desired level
21 of trust fund solvency, or subtracted from the base financing rate if the trust
22 fund balance is below the desired level of trust fund solvency.

23 (5) The office shall establish a rate schedule and shall assign tax rates to individual
24 employers based on the risk-based experience of each employer using an array
25 method that groups employers in categories ranging from best to worst according
26 to the following:

27 (a) The number of tax rate intervals shall include at least twenty (20) levels and

1 may include more, as determined by the office;

2 (b) The maximum tax rate shall be at least five and four-tenths percent (5.4%),
3 with a target level of between six hundred dollars (\$600) and one thousand
4 dollars (\$1,000) of contributions per employee, provided that the office may
5 establish a maximum tax rate that results in contributions above or below
6 the targets based on the solvency level of the trust fund and the need to close
7 a gap to achieve the desired level of trust fund solvency;

8 (c) Average shared costs shall be determined over the most recent twenty (20)
9 years, provided that the range selected shall include at least one (1)
10 recession, even if that period is not within the most recent twenty (20) years,
11 which shall be converted to an average shared costs rate by estimating the
12 ratio of taxable to total wages for the upcoming year and dividing the
13 average shared costs by that estimate. The minimum tax rate shall be set at
14 a level that is no lower than the average shared costs rate;

15 (d) Intermediate rates, and the assignment of employers to categories shall be
16 determined as follows:

17 1. The maximum increment between tax rates shall be nine-tenths
18 percent (0.9%);

19 2. Employers accounting for fixed proportions of taxable wages shall be
20 placed in rate intervals both above and below the current financing
21 rate such that the average tax rate for all employers will equal the
22 current financing rate; and

23 3. Employers shall be distributed among the intervals in equally sized
24 groups based on taxable wages to the extent possible; and

25 (e) For the first twelve (12) consecutive calendar quarters an employer is a
26 subject employer, the employer shall be assigned, at a minimum, the rate
27 assigned to employers who have a reserve ratio of zero, or, if the risk-based

1 experience calculation used by the office relies on parameters other than
2 the reserve ratio of individual employer accounts, a comparable rate within
3 the parameters that are used.

4 (6) For purposes of implementing the provisions of this section in the first year, the
5 trust fund balance as of September 30, 2021, shall be used for the calculation
6 required by subsection (4) of this section, and the rate calculation required by
7 subsection (3) of this section shall be completed by October 15, 2021, so that the
8 rates can be implemented on January 1, 2022.

9 ➔Section 18. As provided in Section 261 of the Consolidated Appropriations Act,
10 Pub. L. 116-260 (2020), amending Section 2104(b) of the CARES Act, 15 U.S.C.
11 9023(b)(1), an unemployed worker who had multiple sources of income which includes
12 both W-2 income and self-employment income shall be eligible to receive the \$100 per
13 week amount allowed by federal law if the unemployed worker had at least \$5,000 in
14 self-employment income in 2019.