

KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2026 REGULAR SESSION
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Amend printed copy of **SB 129/GA**

On page 3, after line 16, insert the following:

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

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

- (1) He or she has made a claim for benefits;
- (2) For an initial claim made on or after January 1, 2012, he or she has served a waiting period of one (1) week, during which he or she has not received benefits. The waiting week period shall be the first compensable week of an initial claim for benefits for which he or she is eligible and qualified to receive benefits under this chapter. A waiting week period shall be required for each benefit year, whether or not consecutive. No more than one (1) waiting week period shall be required in any benefit year. The waiting week shall become compensable once the remaining balance on the claim is equal to or less than the compensable amount for the waiting week. **The waiting week period shall not apply to construction workers who:**
 - (a) Are out of work through no fault of their own;**
 - (b) Are not misclassified as independent contractors; and**
 - (c) Meet minimum wage requirements;**
- (3) (a) He or she has registered for work with respect to such week in accordance with

Amendment No. HFA 1

Rep. Rep. Candy Massaroni

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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- administrative regulations promulgated by the secretary;
- (b) He or she participates in reemployment services, such as job search assistance services, if pursuant to a profiling system established by the secretary, he or she has been determined to be likely to exhaust regular benefits unless:
1. The claimant has completed the services to which he or she is referred; or
 2. There is justifiable cause for the claimant's failure to participate in the services.
For the purpose of this section, "justifiable cause" shall be interpreted to mean what a reasonable person would do in like circumstances; and
- (c) He or she engages in at least five (5) verifiable work search activities during each week in which he or she claims eligibility. At least three (3) of these activities each week shall consist of formally submitting an application for employment or interviewing for employment. "Work search activities" includes any of the following:
1. Formally submitting an application for employment, either in person or online;
 2. Interviewing for employment virtually, in person, or online;
 3. Job shadowing;
 4. Attending a job fair or networking event hosted by state or local government or a business organization;
 5. Participating in a job search skills workshop or seminar; and
 6. Participating in official Kentucky Career Center or partner programs related to employment or the search for employment;
- (4) He or she is physically and mentally able to work;
- (5) He or she is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances;
- (6) His or her base-period wages in that calendar quarter of his or her base period in which such wages were highest are equal to at least one thousand five hundred dollars (\$1,500),

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

- (7) An otherwise eligible worker shall not be denied benefits under subsection (5) of this section or because of his or her failure to actively seek work under subsection (3) of this section, nor disqualified under paragraph (a) of subsection (1) of KRS 341.370:
 - (a) With respect to any week he or she is certified as being enrolled and making satisfactory progress in an approved job training or certification program; or
 - (b) If he or she has verified definite return-to-work or recall-to-work prospects within a period of sixteen (16) weeks from the date of filing of the initial or reopened claim.
- (8) Notwithstanding any other provisions of this chapter, no otherwise eligible worker shall be denied benefits for any week because he or she is in training approved under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974), nor shall such worker be denied benefits by reason of leaving work to enter such training provided such work is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law) relating to availability for work, active search for work, or refusal to accept work. For purpose of this subsection, the term "suitable employment" shall mean employment of a substantially equal or higher skill level than the worker's past adversely affected employment as defined

in 19 U.S.C. sec. 2319 (Trade Act of 1974), and wages for such work are not less than eighty percent (80%) of the workers' average weekly wage as determined for purposes of the Trade Act of 1974.

- (9) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in this section, excepting subsection (6) of this section, nor in KRS 341.360 or 341.370 shall affect the establishment of a "benefit year."
- (10) The cabinet shall conduct randomized weekly audits of a number determined by the secretary as sufficient to evaluate compliance with the work search activity requirements of this section, and shall submit an annual report to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment detailing:
 - (a) The percentage of audited claimants that failed to comply with the work search activity requirement outlined in this section;
 - (b) The work search activities that were most commonly engaged in by audited claimants;
 - (c) Recommendations to make the work search activity requirement more effective in assisting claimants in finding employment;
 - (d) The number of claims audited each week and the total number of claims audited during the reporting period;
 - (e) The percentage of total claims audited each week and percentage of total claims audited during the reporting period; and
 - (f) A summary of the methodology used to conduct randomized auditing.
- (11) The secretary shall promulgate regulations and standards for the verification of claimants' work search activities and the methods by which claimants shall submit work search activities and any associated documentation required by the secretary for verification.

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

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

- (1) "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of a worker's benefit year. However, if an individual lacks sufficient base-period wages because of a job-related injury, and he or she has received or was eligible to receive workers' compensation, upon written application by the claimant an extended base period will be substituted for the current base period on a quarter-by-quarter basis as needed to establish a valid claim or to increase the benefit rate of a claim if:
 - (a) The individual did not earn wages because of a job-related injury for at least seven (7) weeks of each base period quarter to be substituted by an extended base period quarter;
 - (b) No later than one (1) month prior to the expiration of workers' compensation benefits, the employer or carrier shall inform, orally and in writing, all recipients of their potential eligibility for unemployment insurance, and also provide a statement verifying the individual's eligibility for workers' compensation; and
 - (c) A claim for unemployment insurance compensation is filed no later than the fourth week of unemployment after the end of the period of injury compensated or eligible to be compensated by workers' compensation;
- (2) "Extended base period" means the four (4) quarters prior to the claimant's base period. These four (4) quarters may be substituted for base-period quarters on a quarter-for-quarter basis in order to establish a valid claim or increase the benefit rate of a valid claim regardless of whether the wages have been used to establish a prior claim, except wages transferred to or from another state under a combined wage agreement will be excluded if used in a prior claim. Benefits paid on the basis of an extended base period, which would

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not otherwise be payable, shall be charged to the pooled account if the chargeable employer is a contributing employer. If the chargeable employer is a reimbursing employer, benefits shall be billed to his or her reimbursing account;

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

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