

1 AN ACT relating to unemployment insurance.

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

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

5 *At the time of being notified of a valid claim, the Office of Unemployment Insurance*  
6 *shall advise the eligible worker of the following resources:*

- 7 *(1) Five (5) additional weeks of benefits as set forth in KRS 341.385(6) by complying*  
8 *with an approved job training and certification program as set forth in Section 2*  
9 *of this Act;*
- 10 *(2) The Work Ready Kentucky Scholarship Program administered by the Kentucky*  
11 *Higher Education Assistance Authority;*
- 12 *(3) The Federal Pell Grant Program;*
- 13 *(4) The Free Application for Federal Student Aid (FAFSA); and*
- 14 *(5) Additional education and training resources determined to be appropriate by the*  
15 *secretary that would support the worker in obtaining skills or credentials*  
16 *necessary to find employment.*

17 ➔Section 2. KRS 341.005 is amended to read as follows:

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

- 19 (1) "Approved job training or certification program" means:
- 20 (a) A program approved by the secretary that leads to a short-term certificate or  
21 credential, an industry-recognized certificate, diploma, or associate of applied  
22 science degree in one (1) of Kentucky's top five (5) high-demand workforce  
23 sectors identified by the Kentucky Workforce Innovation Board and the  
24 Education and Labor Cabinet; ~~or~~
- 25 (b) A program approved and determined by the secretary to improve an  
26 individual's employability in a high-wage, high-demand occupation; or
- 27 *(c) A training program approved under the Trade Act of 1974, 19 U.S.C. sec.*

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(2) "Cabinet" means the Education and Labor Cabinet;

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(3) "Commission" means the Unemployment Insurance Commission;

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(4) "Enhanced federal benefits" means any temporary federally funded or partially

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federally funded benefits, administered by the Commonwealth and payable through

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voluntary agreements between the Commonwealth and the United States

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Department of Labor, that supplement or increase weekly state benefit amounts.

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"Enhanced federal benefits" does not mean benefits such as, without limitation,

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benefits otherwise calculated and distributed in accordance with KRS 341.350 to

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341.415, extended benefits provided for in KRS 341.700 to 341.740, ~~for~~ shared

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work benefits provided for in KRS 341.4161 to 341.4173, **disaster unemployment**

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**assistance benefits, 42 U.S.C. sec. 5177, or trade readjustment allowances, 19**

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**U.S.C. sec. 2291 to 2294 or any amendments thereto;**

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(5) "Secretary" means the secretary of the Education and Labor Cabinet or his or her

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duly authorized representative; and

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(6) "State average unemployment rate" means the seasonal adjusted statewide

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unemployment rate that applies to the six (6) month period in which the claim is

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filed. One six (6) month period shall begin on January 1 of each year and one six

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(6) month period shall begin on July 1 of each year. For the six (6) month period

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beginning on January 1, the state average unemployment rate shall be the average

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of Kentucky's seasonal adjusted unemployment rates for the preceding months of

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July, August, and September. For the six (6) month period beginning on July 1, the

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state average unemployment rate shall be the average of Kentucky's seasonal

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adjusted unemployment rates for the preceding months of January, February, and

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March. In calculating the state average unemployment rate, the cabinet shall utilize

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the most recent seasonal adjusted unemployment rate determined by the United

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States Department of Labor, Bureau of Labor Statistics.

1           ➔Section 3. KRS 341.100 is amended to read as follows:

- 2       (1) In determining for any purpose under this chapter whether or not any work is  
3       suitable for a worker the secretary shall consider, among other pertinent conditions,  
4       the degree of risk involved to his or her health, safety and morals; his or her  
5       physical fitness and prior training; his or her experience and prior earnings; his or  
6       her length of unemployment and prospects for securing local work in his or her  
7       customary occupation; and the distance of the available work from his or her  
8       residence. **The secretary shall consider any employment offer to be suitable work:**  
9       **(a) That is offered to a worker who has received at least six (6) weeks of**  
10       **benefits during his or her present period of unemployment;**  
11       **(b) For which the worker will be paid one hundred twenty percent (120%) of**  
12       **his or her weekly benefit amount;**  
13       **(c) That is located within a distance of thirty (30) miles of the worker's**  
14       **residence, or is work that can be completed remotely on a permanent basis;**  
15       **and**  
16       **(d) That the worker is able and qualified to perform, regardless of whether or**  
17       **not he or she has related experience or training.**
- 18       (2) For the purpose of this chapter, no work shall be suitable nor shall benefits be  
19       denied under this chapter to any otherwise eligible worker for refusing to accept  
20       new work or new conditions of work under one (1) or more of the following:
- 21       (a) If the position offered is vacant due directly to a strike, lock-out or other labor  
22       dispute;
- 23       (b) If the wages, hours, or other conditions of the work offered are substantially  
24       less favorable than those prevailing for similar work in the locality;
- 25       (c) If, as a condition of being employed, the worker would be required to join a  
26       company union or to resign from or refrain from joining any bona fide labor  
27       organization; and

1 (d) If the acceptance of such work would be prejudicial to the continuance of an  
 2 established employer-employee relationship to which the worker is a party.

3 ~~[(3) Notwithstanding any other provision in this section, the secretary shall consider any  
 4 employment offer to be suitable work for the purposes of this chapter:~~

5 ~~(a) That is offered to a worker who has received at least six (6) weeks of benefits  
 6 during his or her present period of unemployment;~~

7 ~~(b) For which the worker will be paid one hundred twenty percent (120%) of his  
 8 or her weekly benefit amount;~~

9 ~~(c) That is located within a distance of thirty (30) miles of the worker's residence,  
 10 or is work that can be completed remotely on a permanent basis; and~~

11 ~~(d) That the worker is able and qualified to perform, regardless of whether or not  
 12 he or she has related experience or training.]~~

13 ➔Section 4. KRS 341.385 is amended to read as follows:

14 (1) The duration of benefits available to each eligible recipient based upon the state  
 15 average unemployment rate at the time of his or her application for benefits, up to a  
 16 maximum of twenty-four (24) weeks, shall be as follows:

17 ~~[(a) State average unemployment rate of less than or equal to four and one half  
 18 percent (4.5%): twelve (12) weeks of benefits available;~~

19 ~~(b) State average unemployment rate of greater than four and one half percent  
 20 (4.5%) up to and including five percent (5%): thirteen (13) weeks of benefits  
 21 available;~~

22 ~~(c) State average unemployment rate of greater than five percent (5%) up to and  
 23 including five and one half percent (5.5%): fourteen (14) weeks of benefits  
 24 available;~~

25 ~~(d) State average unemployment rate of greater than five and one half percent  
 26 (5.5%) up to and including six percent (6%): fifteen (15) weeks of benefits  
 27 available;]~~

1        ~~(a)(e)~~ State average unemployment rate of less than or equal to ~~greater than~~  
2            six percent (6%) ~~up to and including~~ six and one-half percent (6.5%); sixteen  
3            (16) weeks of benefits available;

4        ~~(b)(f)~~ State average unemployment rate of greater than six and one-half  
5            percent (6.5%) up to and including seven percent (7%); seventeen (17) weeks  
6            of benefits available;

7        ~~(c)(g)~~ State average unemployment rate of greater than seven percent (7%) up  
8            to and including seven and one-half percent (7.5%); eighteen (18) weeks of  
9            benefits available;

10       ~~(d)(h)~~ State average unemployment rate of greater than seven and one-half  
11           percent (7.5%) up to and including eight percent (8%); nineteen (19) weeks of  
12           benefits available;

13       ~~(e)(i)~~ State average unemployment rate of greater than eight percent (8%) up  
14           to and including eight and one-half percent (8.5%); twenty (20) weeks of  
15           benefits available;

16       ~~(f)(j)~~ State average unemployment rate of greater than eight and one-half  
17           percent (8.5%) up to and including nine percent (9%); twenty-one (21) weeks  
18           of benefits available;

19       ~~(g)(k)~~ State average unemployment rate of greater than nine percent (9%) up to  
20           and including nine and one-half percent (9.5%); twenty-two (22) weeks of  
21           benefits available;

22       ~~(h)(l)~~ State average unemployment rate of greater than nine and one-half  
23           percent (9.5%) up to and including ten percent (10%); twenty-three (23)  
24           weeks of benefits available; and

25       ~~(i)(m)~~ State average unemployment rate of greater than ten percent (10%);  
26           twenty-four (24) weeks of benefits available.

27       ~~(2) The classification system set forth in subsection (1) of this section shall not apply to~~

1 ~~claimants with verified definite return to work or recall to work prospects within a~~  
2 ~~period of sixteen (16) weeks from the date of filing of the initial or reopened claim,~~  
3 ~~who shall instead receive one hundred percent (100%) of the weekly benefit rate for~~  
4 ~~each week that they are otherwise eligible, up to sixteen (16) weeks unless the state~~  
5 ~~average unemployment rate is higher than six and one half percent (6.5%), in which~~  
6 ~~case the maximum duration of weeks for these claimants shall follow the~~  
7 ~~classification system set forth in subsection (1) of this section.]~~

8 ~~(2)~~(3) The classification system set forth in subsection (1) of this section shall apply  
9 to regular benefits and shall not affect the duration of shared work benefits as set  
10 forth in KRS 341.4161 to 341.4173~~[or to the duration of extended benefits set forth~~  
11 ~~in KRS 341.700 to 341.740].~~

12 ~~(3)~~(4) A claimant who has been classified with a group classification code by the  
13 agency that meets the requirements of subsection (1) of this section shall remain in  
14 this classification throughout the benefit year regardless of whether or not the  
15 claimant's classification changes.

16 ~~(4)~~(5) The secretary may, with the approval of the General Assembly, extend the  
17 maximum amount of regular benefits payable, not to exceed twenty-six (26) times  
18 the claimant's weekly benefit rate, if:

- 19 (a) An extension for benefits is authorized by the federal government, but only  
20 while federal funding is available; or  
21 (b) During, but not exceeding, any extended benefit period as described in KRS  
22 341.094.

23 ~~(5)~~ (a)~~(6)~~ Any otherwise eligible individual who is certified as being enrolled and  
24 making satisfactory progress in an approved job training or certification  
25 program shall be entitled, during the current benefit year, to receive up to an  
26 additional five (5) weeks of benefits after all regular benefits have been  
27 exhausted under subsection (1) of this section.

1        ~~(b)~~<sup>(a)</sup>        The amount of benefits payable under this subsection shall equal the  
2                        weekly benefit amount established by the most recent benefit year.

3        ~~(c)~~<sup>(b)</sup>        Benefits under this subsection shall not be paid to an individual who is  
4                        receiving benefits of comparable value or other training allowances from  
5                        other unrelated sources.

6        ➔Section 5. KRS 341.375 is amended to read as follows:

7        (1) An employer may notify the secretary in writing or electronically of each worker  
8                        who has declined to accept suitable work when offered or has failed to attend a first  
9                        interview for suitable work, whether held in-person, virtually, or by phone. The  
10                      notice shall contain:

11        (a) A statement that identifies a person or persons with knowledge of the  
12                      information;

13        (b) The name and contact information of the person or persons with knowledge of  
14                      the information; and

15        (c) Specific and detailed information regarding the decline of an offer of suitable  
16                      work or the failure to attend a first interview regarding suitable work that may  
17                      potentially disqualify the worker from receiving benefits.

18        (2) The information contained in the notice shall be considered, **but not solely relied**  
19                      **on**, when **making** a determination of eligibility for benefits ~~is made and may~~  
20                      ~~constitute grounds for ineligibility~~. **The secretary shall consider the suitability of**  
21                      **work in making an eligibility determination pursuant to Section 3 of this Act.**

22        (3) The secretary shall provide a portal in which the notice in subsection (1) of this  
23                      section can be made online.

24        ➔Section 6. KRS 341.4169 is amended to read as follows:

25        (1) An individual is eligible to receive shared work unemployment compensation  
26                      benefits with respect to any week only if the secretary finds that:

27        (a) The individual is employed as a member of an affected group under an

1 approved plan that was approved by the secretary before the week and is in  
2 effect for the week;

3 (b) The individual is able to work and is available for the normal work week with  
4 the shared work employer; and

5 (c) The normal weekly hours of work of the individual are reduced by at least ten  
6 percent (10%) but not more than forty percent (40%), with a corresponding  
7 reduction in wages.

8 (2) A worker shall not be denied shared work benefits if he or she is otherwise eligible  
9 for these benefits for any week by reason of the application of any provision of this  
10 chapter relating to availability for work, active search for work or participation in  
11 work search activities, or refusal to apply for or accept work from other than the  
12 worker's shared work employer.

13 (3) A worker shall not be denied shared work benefits if he or she is otherwise eligible  
14 for these benefits for any week because he or she is participating in any employer  
15 sponsored training or worker training funded by the Workforce Innovation and  
16 Opportunity Act, 29 U.S.C. Ch. 32~~[training sponsored by, or at the direction of, the~~  
17 ~~shared work employer].~~

18 (4) Notwithstanding any other provision in this chapter, a worker shall be deemed  
19 unemployed in any week for which compensation is payable to him or her, as an  
20 employee in an affected group, for less than his or her normal weekly hours of work  
21 in accordance with an approved plan in effect for the week.

22 ➔SECTION 7. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO  
23 READ AS FOLLOWS:

24 The secretary shall provide to the Legislative Research Commission a copy of any  
25 notification received by the cabinet from the United States Department of Labor or any  
26 division thereof regarding the conformity of state unemployment compensation with  
27 the Federal Unemployment Tax Act, 26 U.S.C. sec. 3301 et seq., the Social Security Act



1 of 1935, 42 U.S.C. sec. 301 et seq., or the Federal-State Extended Unemployment  
2 Compensation Act of 1970, Pub. L. 91-373, within five (5) days of receiving the  
3 notification.

4       ➔Section 8. If any provision of this Act or the application thereof to any person  
5 or circumstance is held invalid, unconstitutional, or in violation of any federal law:

6       (1) The invalid provision shall be null and void; and

7       (2) Its invalidity shall not affect other provisions or application of this Act that  
8 can be given effect without the invalid provision or application, and to this end the  
9 provisions of this Act are severable.

10       ➔Section 9. This Act shall take effect July 1, 2023.