

1 AN ACT relating to unemployment insurance for military spouses.

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

3 ➔Section 1. KRS 341.370 is amended to read as follows:

- 4 (1) A worker shall be disqualified from receiving benefits for the duration of any period
5 of unemployment with respect to which:
- 6 (a) He has failed without good cause either to apply for available, suitable work
7 when so directed by the employment office or the secretary or to accept
8 suitable work when offered him, or to return to his customary self-
9 employment when so directed by the secretary; or
 - 10 (b) He has been discharged for misconduct or dishonesty connected with his most
11 recent work, or from any work which occurred after the first day of the
12 worker's base period and which last preceded his most recent work, but
13 legitimate activity in connection with labor organizations or failure to join a
14 company union shall not be construed as misconduct; or
 - 15 (c) He has left his most recent suitable work or any other suitable work which
16 occurred after the first day of the worker's base period and which last preceded
17 his most recent work voluntarily without good cause attributable to the
18 employment. No otherwise eligible worker shall be disqualified from
19 receiving benefits for:
 - 20 1. Leaving his next most recent suitable work which was concurrent with
21 his most recent work;
 - 22 2. Leaving work which is one hundred (100) road miles or more, as
23 measured on a one (1) way basis, from his home to accept work which is
24 less than one hundred (100) road miles from his home;
 - 25 3. Accepting work which is a bona fide job offer with a reasonable
26 expectation of continued employment; or
 - 27 4.~~—a.~~ Leaving work to accompany the worker's spouse to a different

1 state, *military base of assignment, or duty station that is one hundred*
2 *(100) road miles or more, as measured on a one (1) way basis, from*
3 *the worker's home* when the spouse is reassigned by the military[-

4 b. ~~Subdivision a. of this subparagraph shall apply only if the state of~~
5 ~~relocation has adopted a statute substantially similar to that~~
6 ~~subdivision].~~

7 (2) A worker shall be disqualified from receiving benefits for any week with respect to
8 which he knowingly made a false statement to establish his right to or the amount of
9 his benefits, and, within the succeeding twenty-four (24) months, for the additional
10 weeks immediately following the date of discovery, not to exceed a total of fifty-
11 two (52), as may be determined by the secretary.

12 (3) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) of this
13 section unless the employer, within a reasonable time as prescribed by regulations
14 promulgated by the secretary, notifies the Education and Workforce Development
15 Cabinet and the worker in writing of the alleged voluntary quitting or the discharge
16 for misconduct. Nothing in this subsection shall restrict the right of the secretary to
17 disqualify a worker whose employer has refused or failed to notify the Education
18 and Workforce Development Cabinet of the alleged voluntary quitting or discharge
19 for misconduct, if the alleged voluntary quitting or discharge for misconduct is
20 known to the secretary prior to the time benefits are paid to the worker. The
21 exercise of the right by the secretary, in the absence of timely notice from the
22 employer, shall not relieve the employer's reserve account or reimbursing
23 employer's account of benefit charges under the provisions of subsection (3) of KRS
24 341.530.

25 (4) As used in this section and in subsection (3) of KRS 341.530, "most recent" work
26 shall be construed as that work which occurred after the first day of the worker's
27 base period and which last preceded the week of unemployment with respect to

1 which benefits are claimed; except that, if the work last preceding the week of
2 unemployment was seasonal, intermittent, or temporary in nature, most recent work
3 may be construed as that work last preceding the seasonal, intermittent, or
4 temporary work.

5 (5) No worker shall be disqualified or held ineligible under the provisions of this
6 section or KRS 341.350, who is separated from employment pursuant to a labor
7 management contract or agreement, or pursuant to an established employer plan,
8 program, or policy, which permits the employer to close the plant or facility for
9 purposes of vacation or maintenance.

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

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