

341.060 Employing unit.

- (1) As used in this chapter, unless the context clearly requires otherwise, "employing unit" means any individual or type of organization, including any partnership, association, society, trust, estate, joint-stock company, corporation, insurance company, whether any of these are domestic or foreign, or the receiver, trustee in bankruptcy, trustee or the legal representative of a deceased person, or this state or any department, division, administrative unit, political subdivision or municipality thereof, which has or subsequent to January 1, 1936, had one (1) or more workers performing services for it within this state, or one (1) or more workers performing services for it in covered employment in any state, or any successor to any employing unit defined in this subsection.
- (2) All workers performing service within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all purposes of this chapter.
- (3) For purposes of this chapter agricultural workers who are members of a crew furnished by a crew leader to perform agricultural labor for another person shall be deemed to be employed by such crew leader as the employing unit provided that:
 - (a) Such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or
 - (b) Substantially all the members of such crew operate or maintain tractors, mechanized harvesting or cropdusting equipment, or any other mechanized equipment, which is provided by such crew leader; and
 - (c) Such individual is not an employee of such other person within the meaning of paragraph (a).
- (4) For purposes of this chapter, if an individual is furnished by a crew leader to perform agricultural labor for another person and who is not treated as an employee of such crew leader under subsection (3) such other person, and not the crew leader, shall be treated as the employing unit of such individual; and
 - (a) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his behalf or on behalf of such other person) for the agricultural labor performed for such other person.
- (5) For purposes of this section, the term "crew leader" means an individual who:
 - (a) Furnishes individuals to perform agricultural labor for any other person,
 - (b) Pays (either on his behalf or on behalf of such other person) the individuals so furnished by him for the agricultural labor performed by them, and
 - (c) Has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

Effective: July 1, 1978

History: Amended 1978 Ky. Acts ch. 389, sec. 6, effective July 1, 1978. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4748g-3.