

**341.096 Rate of insured unemployment -- Regular, extended, and additional benefits -- Eligibility period -- Exhaustee.**

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

- (1) "Rate of insured unemployment" means the percentage derived by dividing:
  - (a) The weekly average number of weeks claimed in claims filed for regular benefits (not seasonally adjusted) in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive-week period, as determined by the secretary on the basis of his report to the United States Secretary of Labor; by
  - (b) The average monthly employment covered under this chapter for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period. Such computations shall be made by the secretary, in accordance with regulations prescribed by the United States Secretary of Labor;
- (2) "Regular benefits" means benefits payable to a worker under this chapter or under an unemployment compensation law of any other state (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85) other than extended benefits and additional benefits;
- (3) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85) payable to a worker under the provisions of KRS 341.700 to 341.740 for weeks of unemployment in his eligibility period;
- (4) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law;
- (5) "Eligibility period" of a worker means the period consisting of the weeks in his benefit year which begin in an extended benefit period and, if his benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; and
- (6) "Exhaustee" means a worker who, with respect to any week of unemployment in his eligibility period:
  - (a) Has received, prior to such week, all of the regular benefits that were available to him under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. ch. 85) in his current benefit year that includes such week; provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his benefit year, he may subsequently be determined to be entitled to added regular benefits; or
  - (b) His benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he could establish a new

benefit year that would include such week; and

- (c) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act or under such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law, the individual shall be considered an exhaustee if the other provisions of this definition are met.

**Effective:** August 28, 2010

**History:** Amended 2010 (1st Extra. Sess.) Ky. Acts ch. 5, sec. 3, effective August 28, 2010. -- Amended 1982 Ky. Acts ch. 67, sec. 5, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 385, sec. 3, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 389, sec. 1, effective July 1, 1978. -- Amended 1974 Ky. Acts ch. 62, sec. 1; and ch. 74, Art. VI, sec. 107(2). --Created 1972 Ky. Acts ch. 21, sec. 9.