

341.390 Deductions from benefits.

There shall be deducted from the benefit rate determined for a worker in accordance with subsection (2) of KRS 341.380:

- (1) Eighty percent (80%), adjusted to the nearest multiple of one dollar (\$1), of the amount of wages earned by such worker during the week of unemployment with respect to which he claims benefits. For the purpose of this subsection, wages shall also include amounts earned by benefit claimants in self employment provided such earnings otherwise meet the definition of wages as contained in KRS 341.030;
- (2) The amount of remuneration which the worker has received or is receiving with respect to such week of unemployment (adjusted to the nearest multiple of one dollar (\$1)) in the form of remuneration in lieu of notice; and
- (3)
 - (a) The amount of compensation payable to an individual for any week which begins after March 31, 1980, and which begins in a period with respect to which such individual is receiving a governmental or other pension, retirement or retired pay, annuity, or any other similar periodic payment under a plan maintained or contributed to a chargeable or base-period employer, shall be reduced (but not below zero (0)) by an amount equal to the amount of such pension, retirement or retired pay, annuity, or other payment which is reasonably attributable to such week; except that this reduction shall not be made if the worker contributed to the pension, retirement or retired pay, annuity, or other similar periodic payment.
 - (b) No reduction shall be made under this section by reason of the receipt of a pension if the services performed by the worker during the base period (or remuneration received for such services) for such employer did not affect the worker's eligibility for, or increase the amount of, such pension, retirement or retired pay, annuity, or other similar periodic payment. The conditions specified by this subsection shall not apply to pensions paid under the Social Security Act or the Railroad Retirement Act of 1974 (or the corresponding provisions of prior law). Payments made under such acts shall be treated solely in the manner specified by paragraph (a) of this subsection.
 - (c) If Public Law 94-566, Public Law 96-364 or the federal act which amends either for any cause shall become inoperative in its application, or stayed pendente lite, as to deductions of such compensation, then subsection (3) of this section, by virtue of that fact, shall likewise and to the same extent become inoperative as to such deductions.

Effective: July 14, 2000

History: Amended 2000 Ky. Acts ch. 19, sec. 1, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 167, sec. 4, effective July 15, 1998. -- Amended 1988 Ky. Acts ch. 106, sec. 8, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 67, sec. 7, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 385, sec. 8, effective July 15, 1980. -- Amended 1972 Ky. Acts ch. 21, sec. 27. -- Amended 1952 Ky. Acts ch. 154, sec. 15. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 14. -- Amended 1942 Ky. Acts ch. 20, secs. 5 and 11. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4748g-10.