

341.470 Protection of rights and benefits -- Representation in proceedings before a referee or the commission.

- (1) No agreement by a worker to waive, release, or commute his rights to benefits or any other rights under this chapter shall be valid. No agreement by any worker to pay any portion of a subject employer's contributions, required under this chapter from such subject employer, shall be valid. No subject employer shall directly or indirectly make or require or accept any deductions from wages to finance the subject employer's contributions required of him. In cases involving awards to a worker by an arbitrator, court, or other administrative body or mediator, the secretary may require the employer to withhold benefits paid under this chapter from the award and pay the amount withheld into the unemployment insurance trust fund. All subject employers are required to notify the Office of Employment and Training, Department of Workforce Investment, prior to paying any back pay award.
- (2) No worker claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the commission, the secretary, or his or her representatives. Any worker claiming benefits in any proceeding before a referee or the commission may represent himself or herself or may be represented by counsel or other agent duly authorized by such worker and shall be afforded the opportunity to participate in the proceeding without restriction; but no counsel or agent shall either charge or receive for such service more than an amount approved by the commission.
- (3)
 - (a) Any employer in any proceeding before a referee or the commission may represent himself or may be represented by counsel or other agent duly authorized by such employer; and
 - (b) Any person appearing in any proceeding before a referee or the commission who is an officer of, or who regularly performs in a managerial capacity for, a corporation or partnership which is a party to the proceeding in which the appearance is made shall be permitted to represent such corporation or partnership and shall be afforded the opportunity to participate in the proceeding without restriction.
- (4) No assignment, pledge, or encumbrance of any right to benefits due or payable under this chapter shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy for the collection of debt. Benefits received by any worker, as long as they are not mingled with other funds of the recipient, shall be exempt from any remedy for the collection of all debts except debts incurred for necessities furnished to such worker or his spouse or dependents during the time such worker was unemployed. No waiver of any exemption provided for in this subsection shall be valid.
- (5) The provisions of this section shall not be applicable to child support deductions made in accordance with KRS 341.392 and withholding for federal and state income tax in accordance with KRS 341.395.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 211, sec. 153, effective July 12, 2006. -- Amended 1998 Ky. Acts ch. 167, sec. 7, effective July 15, 1998. -- Amended 1996

Ky. Acts ch. 266, sec. 16, effective July 15, 1996; and ch. 271, sec. 21, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 133, sec. 5, effective July 14, 1992. -- Amended 1986 Ky. Acts ch. 26, sec. 7, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 12, sec. 1, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 67, sec. 10, effective July 15, 1982. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- 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-12.

Legislative Research Commission Note (7/29/97). The word "Except" was deleted from the beginning of the sentence in subsection (1) of this statute that begins "In cases involving awards" by 1996 Ky. Acts ch. 266, sec. 16. This deletion was inadvertently omitted in the merger of the amendments to this statute by 1996 Ky. Acts chs. 266 and 271, and the text of the statute has been corrected to reflect this deletion.