

**341.380 Benefits, how paid -- Calculation of amount -- Increase in maximum weekly benefit rate. (Effective January 1, 2023)**

- (1) All benefits shall be paid through employment offices, or such other agencies as may be designated by regulations of the secretary. Claims for all payments of benefits shall be made in accordance with regulations of the secretary.
- (2) The weekly benefit rate payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be an amount equal to one and three thousand seventy-eight ten-thousandths percent (1.3078%) of his or her total base-period wages, except that no worker's weekly benefit amount shall be less than thirty-nine dollars (\$39), nor more than the maximum rate as determined in accordance with subsection (3) of this section. For claims effective on or after January 1, 2012, the weekly benefit rate shall, except as provided in KRS 341.390, be one and one thousand nine hundred twenty-three ten-thousandths percent (1.1923%) of his or her total base-period wages, except that no worker's weekly benefit amount shall be less than thirty-nine dollars (\$39) nor more than the maximum rate as determined in accordance with subsection (3) of this section.
- (3) Prior to the first day of July of each year the secretary shall determine the average weekly wage for insured employment by dividing the average monthly employment, as obtained by dividing the total monthly employment reported by subject employers for the preceding calendar year by twelve (12), into the total wages reported by such employers for such calendar year and dividing by fifty-two (52). Fifty-five percent (55%) of the amount thus obtained, adjusted to the nearest multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of such year and prior to the first day of July of the next following year; beginning in calendar year 1999, or any subsequent year in which the increase in the weekly benefit rate calculation set forth in subsection (2) of this section should take effect, sixty-two percent (62%) of the average weekly wage, adjusted to the nearest multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of that year and prior to the first day of July of the next following year; except that for the benefit years beginning on or after July 1, 1982, if the "trust fund balance" as of September 30 immediately preceding the benefit year is less than one hundred twenty million dollars (\$120,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate. If such "trust fund balance" as of September 30 immediately preceding the benefit year:
  - (a) Equals or exceeds one hundred twenty million dollars (\$120,000,000), but is less than two hundred million dollars (\$200,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than six percent (6%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
  - (b) Equals or exceeds two hundred million dollars (\$200,000,000), but is less than three hundred million dollars (\$300,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than eight percent (8%). The rate thus determined shall be

- adjusted to the nearest multiple of one dollar (\$1);
- (c) Equals or exceeds three hundred million dollars (\$300,000,000), but is less than four hundred million dollars (\$400,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than ten percent (10%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
  - (d) Equals or exceeds four hundred million dollars (\$400,000,000), but is less than five hundred million dollars (\$500,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than twelve percent (12%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
  - (e) Equals or exceeds five hundred million dollars (\$500,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than fifteen percent (15%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1); and
  - (f) Is such that it resulted in the establishment of an employer contribution rate schedule, as provided for in KRS 341.270, for the current calendar year which has a higher minimum rate than the schedule in effect for the immediately preceding calendar year, the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate.
- (4) The maximum amount of benefits payable to any worker within any benefit year shall be the amount equal to whichever is the lesser of:
- (a) His or her weekly benefit rate times the applicable number of weeks for which benefits are available to him or her as calculated in KRS 341.385; or
  - (b) One-third (1/3) of his or her base-period wages, except that no worker's maximum amount shall be less than twelve (12) times his or her weekly benefit rate. Such maximum amount, if not a multiple of one dollar (\$1), shall be adjusted to the nearest multiple of one dollar (\$1).

**Effective:** January 1, 2023

**History:** Amended 2022 Ky. Acts ch. 21, sec. 6, effective January 1, 2023. -- Amended 2010 (1st Extra. Sess.) Ky. Acts ch. 5, sec. 9, effective August 28, 2010. -- Amended 2000 Ky. Acts ch. 547, sec. 11, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 167, sec. 3, effective July 15, 1998. -- Amended 1986 Ky. Acts ch. 26, sec. 6, effective July 15, 1986. -- Amended 1982 Ky. Acts ch. 261, sec. 6, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 385, sec. 7, effective April 1, 1980. -- Amended 1978 Ky. Acts ch. 142, sec. 1, effective June 17, 1978; and ch. 389, sec. 24, effective July 1, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(31). -- Amended 1972 Ky. Acts ch. 261, sec. 1. -- Amended 1966 Ky. Acts ch. 28, sec. 1. -- Amended 1962 Ky. Acts ch. 223, sec. 3. -- Amended 1960 Ky. Acts ch. 111, sec. 2. -- Amended 1958 Ky. Acts ch. 4, sec. 9. -- Amended 1952 Ky. Acts ch. 154, sec. 11. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 9. -- Amended 1942 Ky. Acts ch. 19, secs. 6 and 15. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. secs. 4748g-10, 4748g-11.

**Legislative Research Commission Note** (1/1/2023). 2022 Ky. Acts ch. 21, sec. 26, provides that the Act, which amended this statute, may be cited as the Unemployment Insurance Sustainability Act of 2022.

