

**341.096 Additional, extended, fringe, regular, and shared work benefits -- Affected group -- Approved plan -- Eligibility period -- Exhaustee -- Normal weekly hours of work -- Rate of insured unemployment -- Shared work employer -- Subgroup.**

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

- (1) "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;
- (2) "Affected group" means two (2) or more employees designated by an employer to participate in a shared work plan;
- (3) "Approved plan" means an employer's voluntary, written plan for reducing unemployment under which a specified group of employees shares the work remaining after their normal weekly hours of work are reduced, which plan meets the requirements of KRS 341.4161 and which plan has been approved in writing by the secretary;
- (4) "Eligibility period" of a worker means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period;
- (5) "Exhaustee" means a worker who, with respect to any week of unemployment in his or her eligibility period:
  - (a) Has received, prior to such week, all of the regular benefits that were available to him or her 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 or her 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 or her 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 or her benefit year, he or she may subsequently be determined to be entitled to added regular benefits; or
  - (b) His or her benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he or she 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;
- (6) "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 or her eligibility period;

- (7) "Fringe benefits" includes advantages such as health insurance, retirement benefits, paid vacation and holidays, and sick leave, which are incidents of employment in addition to the cash remuneration earned;
- (8) "Normal weekly hours of work" means the normal hours of work for full-time and permanent part-time employees in the affected group when their employer is operating on its normal, full-time basis, not to exceed forty (40) hours and not including overtime;
- (9) "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 or her 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;
- (10) "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;
- (11) "Shared work benefits" means the unemployment compensation benefits payable to employees in an affected group under an approved plan as distinguished from the unemployment benefits otherwise payable under other provisions of this chapter;
- (12) "Shared work employer" means an employer with a shared work plan in effect. An individual who, or an entity which, succeeds to or acquires an organization, corporation, partnership, limited liability company, or other business with a shared work plan in effect automatically becomes a shared work employer and adopts the plan if the individual or entity ratifies, in writing, the previously approved plan; and
- (13) "Subgroup" means a group of employees which constitutes at least ten percent (10%) of the employees in an affected group.

**Effective:** January 1, 2023

**History:** Amended 2022 Ky. Acts ch. 21, sec. 11, effective January 1, 2023. -- 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.

**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.