

### **341.350 Conditions of qualification for benefits.**

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

- (1) He has made a claim for benefits;
- (2) For an initial claim made on or after January 1, 2012, he has served a waiting period of one (1) week, during which he has not received benefits. The waiting week period shall be the first compensable week of an initial claim for benefits for which he is eligible and qualified to receive benefits under this chapter. A waiting week period shall be required for each benefit year, whether or not consecutive. No more than one (1) waiting week period shall be required in any benefit year. The waiting week shall become compensable once the remaining balance on the claim is equal to or less than the compensable amount for the waiting week;
- (3)
  - (a) He has registered for work with respect to such week in accordance with regulations prescribed by the secretary; and
  - (b) He participates in reemployment services, such as job search assistance services, if pursuant to a profiling system established by the secretary, he has been determined to be likely to exhaust regular benefits unless:
    1. The claimant has completed the services to which he is referred; or
    2. There is justifiable cause for the claimant's failure to participate in the services. For the purpose of this section, "justifiable cause" shall be interpreted to mean what a reasonable person would do in like circumstances;
- (4) He is physically and mentally able to work;
- (5) He is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances;
- (6) His base-period wages in that calendar quarter of his base period in which such wages were highest are equal to at least seven hundred fifty dollars (\$750), and his total base-period wages are not less than one and one-half (1-1/2) times the base-period wages paid to him in such quarter and he was paid base-period wages in the last six (6) months of his base period equal to at least eight (8) times his weekly benefit rate with a minimum of seven hundred fifty dollars (\$750) earned outside the high quarter;
- (7) An otherwise eligible worker shall not be denied benefits under subsection (5) of this section or because of his failure to actively seek work, nor disqualified under paragraph (a) of subsection (1) of KRS 341.370 with respect to any week he is in training with the approval of the secretary.
- (8) Notwithstanding any other provisions of this chapter, no otherwise eligible worker shall be denied benefits for any week because he is in training approved under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974), nor shall such worker be denied benefits by reason of leaving work to enter such training provided such work is not suitable employment, or because of the application to any such week in training of provisions in this law (or any applicable federal unemployment compensation law) relating to availability for work, active search for work, or

refusal to accept work. For purpose of this subsection, the term "suitable employment" shall mean employment of a substantially equal or higher skill level than the worker's past adversely affected employment as defined in 19 U.S.C. sec. 2319 (Trade Act of 1974), and wages for such work are not less than eighty percent (80%) of the workers' average weekly wage as determined for purposes of the Trade Act of 1974.

- (9) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in this section, excepting subsection (6) of this section, nor in KRS 341.360 or 341.370 shall affect the establishment of a "benefit year."

**Effective:** August 28, 2010

**History:** Amended 2010 (1st Extra. Sess.) Ky. Acts ch. 5, sec. 8, effective August 28, 2010. -- Amended 1996 Ky. Acts ch. 266, sec. 11, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 136, sec. 2, effective July 15, 1994. -- Amended 1982 Ky. Acts ch. 67, sec. 6, effective September 26, 1982; and ch. 261, sec. 4, effective July 1, 1982. -- Amended 1978 Ky. Acts ch. 389, sec. 21, effective July 1, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(31). -- Amended 1972 Ky. Acts ch. 21, sec. 25; and ch. 85, sec. 1. -- Amended 1958 Ky. Acts ch. 4, sec. 7. -- Amended 1956 (4th Extra. Sess.) Ky. Acts ch. 3, sec. 1. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 11. -- Amended 1942 Ky. Acts ch. 20, secs. 4 and 10. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4748g-9.