

1 LABOR CABINET

2 Office of Unemployment Insurance

3 (Amendment)

4 787 KAR 1:150. Interstate claimants.

5 RELATES TO: KRS 341.145, 341.350, 341.360, 341.370, 341.380

6 STATUTORY AUTHORITY: KRS 336.015, 336.050~~[451B.020]~~, 341.115, 2021 Ky Acts

7 ch. 169 § 1(I)(7)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the
9 secretary to promulgate administrative regulations necessary to administer KRS Chapter 341. KRS
10 341.145(1) provides that the secretary may enter into arrangements with other states for the
11 provision of services to unemployed workers. KRS 341.380(1) provides that benefits shall be paid
12 in accordance with administrative regulations promulgated by the secretary. This administrative
13 regulation governs the office~~[division]~~ in its administrative cooperation with other states for the
14 payment of benefits to interstate claimants.

15 Section 1. Definitions. (1) "Agent state" means a state from which an individual files a
16 claim for benefits payable by another state.

17 (2) "Benefits" means the compensation payable to an individual, with respect to his
18 unemployment, under the unemployment insurance law of a state.

1 (3) "Interstate benefit payment plan" means the plan approved by the National Association of State
2 Workforce Agencies under which benefits shall be payable to unemployed individuals absent from
3 the state or states in which benefit credits have been accumulated.

4 4) "Interstate claimant" means an individual, including an interstate combined wage
5 claimant, who claims benefits under the unemployment insurance law of one (1) or more liable
6 states from an agent state and shall not include an individual who customarily commutes from a
7 residence in an agent state to work in a liable state unless the secretary finds that:

8 (a) Kentucky is the liable state; and

9 (b) The individual is not seeking employment in Kentucky.

10

11 (5) "Liable state" means a state against which an individual files a claim for benefits if filed from
12 another state.

13 (6) "State" means one (1) of the fifty (50) states in the United States of America, or Canada,
14 the Virgin Islands, Puerto Rico, or the District of Columbia.

15 Section 2. The secretary shall apply the terms of the interstate benefit payment plan in his
16 administrative cooperation with other states that have similar administrative provisions in effect
17 for the payment of benefits to interstate claimants.

18 Section 3. Kentucky as liable state. An interstate claimant filing against Kentucky as the
19 liable state shall follow the procedures for filing a claim and for claiming benefits as established
20 in 787 KAR 1:090, Sections 2 and 3.

21 Section 4. Registration for Work. Each interstate claimant filing against Kentucky as the
22 liable state shall be registered for work, through any Kentucky Career Center[~~public employment~~
23 ~~office~~] in the agent state when and as required by the law, regulations, and procedures of the agent

1 state. The registration shall be accepted as meeting the registration requirements of KRS
2 341.350(2) if proof of registration in the agent state is provided by the interstate claimant.

3 Section 5. Benefit Rights of Interstate Claimants. (1) If a claimant files a claim against a
4 state, and the claimant has available benefit credits in that state, claims shall be filed only against
5 that state as long as benefit credits are available in that state. Thereafter, the claimant may file
6 claims against any other state in which there are available benefit credits.

7 (2) Benefit credits shall be deemed to be unavailable if benefits have been exhausted,
8 terminated, or postponed for an indefinite period or for the entire period in which benefits would
9 otherwise be payable, or if benefits are affected by the application of a seasonal restriction.

10 (3) The benefit rights of an interstate claimant established by this administrative regulation
11 shall apply only with respect to a new claim (notice of unemployment).

12 Section 6. Appellate Procedure. (1) If Kentucky is the agent state, it shall afford all
13 reasonable cooperation in taking of evidence in connection with appealed interstate benefit claims
14 on behalf of the liable state.

15 (2) With respect to the time limits imposed by KRS 341.420(2) upon the filing of an appeal
16 in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be
17 deemed to have been made and communicated to Kentucky on the date it is received by the agent
18 state.

19 Section 7. Failure to Comply with Administrative Regulations. The provisions of 787 KAR
20 1:090, Section 6, shall apply to interstate claimants.

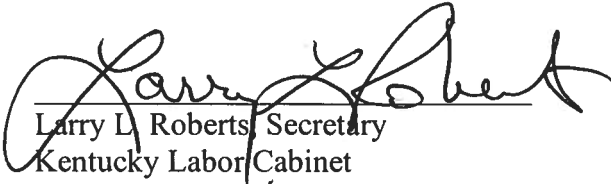
As approved by



Buddy Hoskinson, Executive Director
Office of Unemployment Insurance

6/21/2021

Date



Larry L. Roberts, Secretary
Kentucky Labor Cabinet

6/21/2021

Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on September 27, 2021 at 2:00 (ET). This hearing will be conducted by live videoconference (ZOOM) pursuant to Senate Bill 150, Section 1, subparagraph 8(b) (R.S. 2020) and the continuing state of emergency due to the novel coronavirus pandemic. Public access to the meeting will be available at <https://us02web.zoom.us/j/88991458931?pwd=eTZYMEo0V3Qydnk0alB3MFFyYmZVUT09>, password 358248 or by telephone at 713-353-0212 or 888-822-7517 (toll free), conference code 278497.

Individuals interested in being heard at this hearing shall notify this agency in writing five (5) working days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through September 30, 2021. Send notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Buddy Hoskinson, Labor Cabinet, Mayo-Underwood Building, 500 Mero Street, 4th Floor, Frankfort, Kentucky 40601, Telephone: (502) 564-2199, Facsimile: (502) 564-7850, Email: buddy.hoskinson@ky.gov.

REGULATORY IMPACT AND TIERING STATEMENT

Regulation Number 787 KAR 1:150

Contact Person: Buddy Hoskinson, Telephone: (502) 564-2199, Facsimile: (502) 564-7850,

Email: buddy.hoskinson@ky.gov.

(1) Provide a brief summary of:

- (a) What this administrative regulation does: This administrative regulation outlines the authority of the office in relationship to other states in the payment of benefits to interstate claimants.
- (b) The necessity of this administrative regulation: This administrative regulation defines the terms that apply in interstate claims, interstate claimants, lists the requirements for filing interstate claims, and locates the responsibility for determination of claim determination and appellate procedures.
- (c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 341.115(1) authorizes the secretary to adopt regulations deemed necessary or suitable for the proper administration of KRS Chapter 341. This administrative regulation provides guidance pursuant to KRS 341.380(1).
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides for the consistent treatment of unemployment insurance claimants across state boundaries.

(2) If this is an amendment to an existing regulation, provide a brief summary of:

- (a) How this amendment will change this existing administrative regulation: This amendment updates statutory authority and the names of the Office of Unemployment Insurance and Kentucky Career Centers.
- (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the statutory authority and to update language to reflect names changes for the Office of Unemployment Insurance and Kentucky Career Centers.
- (c) How the amendment conforms to the content of the authorizing statutes: KRS 341.115(1) authorizes the secretary to amend regulations deemed necessary or suitable for the proper administration of KRS Chapter 341. This administrative regulation provides guidance pursuant to KRS 341.380(1).
- (d) How the amendment will assist in the effective administration of the statutes: This amendment does not make any substantive changes to the administrative regulation. his administrative regulation provides for the consistent treatment of unemployment insurance claimants across state boundaries.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects all interstate claimants annually.

- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
- (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional compliance duties are required by this amendment.
 - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There is no additional cost associated with this amendment.
 - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Interstate claimants are able to file for unemployment insurance benefits.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
- (a) Initially: This administrative regulation, as amended, is not anticipated to generate any new or additional costs.
 - (b) On a continuing basis: This administrative regulation, as amended, is not anticipated to generate any new or additional costs.
- (6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: KRS 341.240 provides for the establishment of the unemployment compensation administration fund establishes that all of the money in this fund shall be expended solely to defray the cost of the administration of KRS Chapter 341.
- (7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: This administrative regulation, as amended, is not anticipated to generate any increase in fees or funding.
- (8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: There are no fees associated with this administrative regulation.
- (9) TIERING: Is tiering applied? Tiering is not applied. Tiering is applied in that this administrative regulation only affects interstate claimants.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number 787 KAR 1:150

Contact Person: Buddy Hoskinson, Telephone: (502) 564-2199, Facsimile: (502) 564-7850,
Email: buddy.hoskinson@ky.gov.

1. What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Most state and local governmental entities are subject to unemployment insurance coverage and thus potentially affected by this administrative regulation.
2. Identify each state or federal statute or regulation that requires or authorizes the action taken by the administrative regulation. KRS 336.015, 336.050, 341.115(1), 341.145, and 2021 Ky Acts ch. 169 § 1(I)(7) and 2021 Ky Acts ch. 3.
3. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.
 - a. How much revenue will the administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.
 - b. How much revenue will the administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.
 - c. How much will it cost to administer this program for the first year? There is no cost to this amendment.
 - d. How much will it cost to administer this program for subsequent years? There is no cost to this amendment.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): Unknown

Expenditures (+/-): Unknown

Other explanations: This amendment does not impose any additional requirements or expenditures to employers.