

1 LABOR CABINET

2 Office of Unemployment Insurance

3 (Amendment)

4 787 KAR 1:060. Separation for cause; reports.

5 RELATES TO: KRS 341.190, 341.360, 341.370, 341.530

6 STATUTORY AUTHORITY: KRS 336.015, 336.050~~[154B.020]~~, 341.115(1), 2021 Ky

7 Acts ch. 169 Part 1(I)(7)

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 341.115(1) authorizes the
9 secretary to promulgate administrative regulations necessary or suitable for the proper
10 administration of KRS Chapter 341. This administrative regulation establishes requirements for
11 employer notification of a claim for benefits, and information the employer shall provide to the
12 Office~~[Division]~~ of Unemployment Insurance.

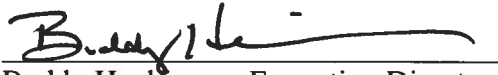
13 Section 1. Notice to Employers. (1) If an initial claim for benefits is filed by a claimant or
14 if a reopened claim for benefits is filed by a claimant who has been employed since last claiming
15 benefits, the Office~~[Division]~~ of Unemployment Insurance shall immediately notify the claimant's
16 most recent employer in writing of the filing.

17 (2) If the claimant has worked for his most recent employer in less than ten (10) weeks, the
18 office~~[division]~~ shall also notify his next most recent employer in writing of the claim filing.

1 (3) If the claimant worked for neither his most recent nor next most recent employer in each of ten
2 (10) weeks, the most recent employer for whom the claimant worked in each of ten (10) weeks
3 shall be notified in writing of the filing.

4 Section 2. If the claimant was separated from any notified employer's employ for a reason
5 other than lack of work, the employer shall notify the office~~[division]~~ at its central office in writing
6 of the reason for separation, within the time frame specified in the notice provided pursuant to
7 Section 1 of this administrative regulation. The employer may use the UI-412A, incorporated by
8 reference in 787 KAR 1:010, to provide this notification to the office~~[division]~~ ***or by providing***
9 ***notice at <https://uidataexchange.org/sew-s/views/login>***

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 1:060

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 establishes the requirements for employer notification when a claim for benefits is filed by a former worker and identifies the information the employer shall provide to the Office of Unemployment Insurance.
- (b) The necessity of this administrative regulation: This administrative regulation is necessary to provide the employer with a timely notification that a claim for benefits has been filed to allow the employer the legally allotted time to protest the claim or charges.
- (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.
- (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation allows the employer opportunity to protest the claim or changes. That in turn generates a disputed claim investigation, allowing the interests of the employer to be represented in the unemployment insurance process.

(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 language utilized by the office and updates how an employer may provide required information to the office. This amendment also adds KRS 341.190(2) in the Related To section. Further, it updates the statutory authority to reflect that the Office of Unemployment Insurance is now within the Labor Cabinet pursuant to 2021 Ky Acts ch. 169 Part 1(I)(7).
 - (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update the statutory authority, update terminology utilized by the office and to add an alternative method for employers to provide required information to the office.
 - (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.
 - (d) How the amendment will assist in the effective administration of the statutes: This amendment ensures that most updated language is utilized and allows employers an alternative method for providing the required information to the office.
- (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 subject employers in the Commonwealth.

- (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): This administrative regulation allows the employer opportunity to protest claims and charges, which provides protection to the employer from erroneous or fraudulent claims.
- (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 and 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. All subject employers are treated equally.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Regulation Number 787 KAR 1:060

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, 341.190, KRS 341.370, 2021 Ky Acts ch. 169 Part 1(I)(7).
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 (+/-): None

Expenditures (+/-): None

Other explanations: