

1 LABOR CABINET

2 Office of Unemployment Insurance

3 (Amendment)

4 787 KAR 1:220. Required reports and due dates.

5 RELATES TO: KRS 341.070, 341.250(2), 341.190, 341.262

6 STATUTORY AUTHORITY: KRS 336.015, 336.050~~[151B-020]~~, 341.115(1),

7 341.190(2), 2021 Ky 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. KRS 341.190(2) authorizes the secretary~~[Secretary of the~~

11 ~~Education Cabinet]~~ to require an employing unit to furnish information and records concerning

12 wages paid, employment and other related matters. This administrative regulation establishes the

13 required filing options, information, and reporting due dates.

14 Section 1. Definition. "Required report" means the Employer's Quarterly Unemployment

15 Wage and Tax Report (UI-3), which is incorporated by reference in 787 KAR 1:010 and may be

16 filed electronically.

1 Section 2. (1) Except as provided in subsection (2) of this section, an employer shall file
2 the report required in Section 1 of this administrative regulation by submitting an electronic report
3 via the Internet at <https://kewes.ky.gov>[:]

4 ~~[(a) Submitting a paper form UI-3; or~~

5 ~~—(b) Submitting an electronic report via the Internet at <https://kewes.ky.gov>.]~~

6 (2) An employer with fewer than ten (10) ~~[or more]~~ workers performing service in covered
7 employment during any month within a quarter being reported and who is unable to file the report
8 electronically, may submit a paper form UI-3~~[shall submit an electronic report via the Internet at~~
9 ~~<https://kewes.ky.gov>].~~

10 Section 3. Due Dates. (1) Except as provided in subsection (2) of this section, the due date for the
11 filing of a required report shall be the last day of the month following the close of the calendar
12 quarter in which wages are paid in covered employment.

13 (2)(a) The initial due date for the filing of a required report by an employing unit newly
14 subject under the provisions of KRS 341.070 shall be the last day of the month following the
15 quarter in which the employing unit is first given notice by the department of its liability as a
16 subject employer.

17 (b) An employing unit shall not be considered newly subject if:

18 1. Prior to beginning employment in Kentucky, it has previously been determined subject
19 under the unemployment compensation law of any other state; however, it shall be considered
20 newly subject if all wages paid in covered employment in Kentucky were reported to another state
21 unemployment compensation program by the due date specified by that state; or

22 2. It has previously been determined subject under the provisions of KRS 341.070 but
23 subsequently terminated subjectivity under the provisions of KRS 341.250(2),

1 (c) If an employing unit has failed to file a required report due to willful intent to evade
2 filing, the provisions of subsection (1) of this section shall apply.
3 Section 4. Reports shall be considered received by the department as established in 787 KAR
4 1:230.

As approved by



Buddy Hoskinson, Executive Director
Office of Unemployment Insurance

07/01/2021

Date



Jamie Link, Secretary
Kentucky Labor Cabinet

07/01/2021

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 1:220

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 required filing options, information, and due dates for the Employer's Quarterly Wage and Tax Report (UI-3) and stipulates the requirement for electronic filing for those employers with more than 10 workers.
 - (b) The necessity of this administrative regulation: This administrative regulation provides that the information and payments necessary to operate and fund the Unemployment Insurance Program are made available to the office in a timely manner.
 - (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. KRS 341.190(2) authorizes the secretary to require an employing unit to furnish information and records concerning ages paid, employment and other related matters.
 - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation establishes the methods and time frames for employer tax reporting.

- (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 for the administrative regulation
 - (b) The necessity of the amendment to this administrative regulation: This amendment is necessary to reflect current statutory authority for the administrative regulation.
 - (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. KRS 341.190(2) authorizes the secretary to require an employing unit to furnish information and records concerning ages paid, employment and other related matters.
 - (d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies the statutory authority.

- (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): Employers ensure that accurate tax liability assessments are being calculated against the entity.
- (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 1:220

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 are 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), 341.190(2) and 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: