

341.090 Base period, extended base period, benefit year, and base-period wages.

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

- (1) "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of a worker's benefit year. However, if an individual lacks sufficient base-period wages because of a job-related injury, and he has received or was eligible to receive workers' compensation, upon written application by the claimant an extended base period will be substituted for the current base period on a quarter-by-quarter basis as needed to establish a valid claim or to increase the benefit rate of a claim if:
 - (a) The individual did not earn wages because of a job-related injury for at least seven (7) weeks of each base period quarter to be substituted by an extended base period quarter;
 - (b) No later than one (1) month prior to the expiration of workers' compensation benefits, the employer or carrier shall inform, orally and in writing, all recipients of their potential eligibility for unemployment insurance, and also provide a statement verifying the individual's eligibility for workers' compensation; and
 - (c) A claim for unemployment insurance compensation is filed no later than the fourth week of unemployment after the end of the period of injury compensated or eligible to be compensated by workers' compensation;
- (2) "Extended base period" means the four (4) quarters prior to the claimant's base period. These four (4) quarters may be substituted for base-period quarters on a quarter-for-quarter basis in order to establish a valid claim or increase the benefit rate of a valid claim regardless of whether the wages have been used to establish a prior claim, except wages transferred to or from another state under a combined wage agreement will be excluded if used in a prior claim. Benefits paid on the basis of an extended base period, which would not otherwise be payable, shall be charged to the pooled account if the chargeable employer is a contributing employer. If the chargeable employer is a reimbursing employer, benefits shall be billed to his reimbursing account;
- (3) "Benefit year" for any worker means the fifty-two (52) week period beginning with the first day of the week with respect to which he first requests a determination which establishes his status as a fully insured worker after the termination of his last preceding benefit year, if any, except that the last preceding benefit year shall be a fifty-three (53) week period if fifty-two (52) weeks would result in the overlapping of any calendar quarter of the base period of the new benefit year with the same calendar quarter of the base period of the previous benefit year. As used in this subsection, a worker shall be considered as having insured status, without regard to any other provision of this chapter, if at the time of his request he has satisfied the conditions required under KRS 341.350(6); and
- (4) "Base-period wages" means the wages paid to a worker during his base period by subject employers for covered employment. The secretary, upon request of the employee, with respect to this subsection, shall consider wages payable to mean

wages paid in order to prevent inequities caused by employer failure to meet a regularly scheduled payday. Lump-sum payments deemed to be wages under this chapter shall be reallocated to periods covered by the payments.

Effective: August 28, 2010

History: Amended 2010 (1st Extra. Sess.) Ky. Acts ch. 5, sec. 2, effective August 28, 2010. -- Amended 1996 Ky. Acts ch. 266, sec. 3, effective July 15, 1996. -- Amended 1992 Ky. Acts ch. 133, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 6, sec. 2, effective July 13, 1990; and ch. 133, sec. 1, effective July 13, 1990. -- Amended 1976 Ky. Acts ch. 92, sec. 1. -- Amended 1974 Ky. Acts ch. 74, Art. VI, sec. 107(21). -- Amended 1972 Ky. Acts ch. 21, sec. 7. -- Amended 1952 Ky. Acts ch. 154, sec. 4, effective March 24, 1952. -- Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 3. -- Amended 1942 Ky. Acts ch. 19, secs. 1 and 10. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4748g-3.