

### **341.370 Disqualifications -- Length of time.**

- (1) A worker shall be disqualified from receiving benefits for the duration of any period of unemployment with respect to which:
  - (a) He has failed without good cause either to apply for available, suitable work when so directed by the employment office or the secretary or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the secretary; or
  - (b) He has been discharged for misconduct or dishonesty connected with his most recent work, or from any work which occurred after the first day of the worker's base period and which last preceded his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct; or
  - (c) He has left his most recent suitable work or any other suitable work which occurred after the first day of the worker's base period and which last preceded his most recent work voluntarily without good cause attributable to the employment. No otherwise eligible worker shall be disqualified from receiving benefits for:
    1. Leaving his next most recent suitable work which was concurrent with his most recent work;
    2. Leaving work which is one hundred (100) road miles or more, as measured on a one (1) way basis, from his home to accept work which is less than one hundred (100) road miles from his home;
    3. Accepting work which is a bona fide job offer with a reasonable expectation of continued employment; or
    4.
      - a. Leaving work to accompany the worker's spouse to a different state when the spouse is reassigned by the military.
      - b. Subdivision a. of this subparagraph shall apply only if the state of relocation has adopted a statute substantially similar to that subdivision.
- (2) A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and, within the succeeding twenty-four (24) months, for the additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the secretary.
- (3) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) of this section unless the employer, within a reasonable time as prescribed by regulations promulgated by the secretary, notifies the Education and Workforce Development Cabinet and the worker in writing of the alleged voluntary quitting or the discharge for misconduct. Nothing in this subsection shall restrict the right of the secretary to disqualify a worker whose employer has refused or failed to notify the Education and Workforce Development Cabinet of the alleged voluntary quitting or discharge for misconduct, if the alleged voluntary quitting or discharge for misconduct is known to the secretary prior to the time benefits are paid to the worker. The

exercise of the right by the secretary, in the absence of timely notice from the employer, shall not relieve the employer's reserve account or reimbursing employer's account of benefit charges under the provisions of subsection (3) of KRS 341.530.

- (4) As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding the week of unemployment was seasonal, intermittent, or temporary in nature, most recent work may be construed as that work last preceding the seasonal, intermittent, or temporary work.
- (5) No worker shall be disqualified or held ineligible under the provisions of this section or KRS 341.350, who is separated from employment pursuant to a labor management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employer to close the plant or facility for purposes of vacation or maintenance.
- (6) "Discharge for misconduct" as used in this section shall include but not be limited to, separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge; knowing violation of a reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if the worker cannot show good cause for absences or tardiness; damaging the employer's property through gross negligence; refusing to obey reasonable instructions; reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours; conduct endangering safety of self or co-workers; and incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) days work.
- (7) "Duration of any period of unemployment," as that term is used in this section, shall be the period of time beginning with the worker's discharge, voluntary quitting, or failure to apply for or accept suitable work and running until the worker has worked in each of ten (10) weeks, whether or not consecutive, and has earned ten (10) times his weekly benefit rate in employment covered under the provisions of this chapter or a similar law of another state or of the United States.

**Effective:** June 25, 2009

**History:** Amended 2009 Ky. Acts ch. 11, sec. 78, effective June 25, 2009. -- Amended 2006 Ky. Acts ch. 211, sec. 148, effective July 12, 2006; and ch. 252, Pt. XXVIII, sec. 11, effective April 25, 2006. -- Amended 1996 Ky. Acts ch. 266, sec. 12, effective July 15, 1996; and ch. 271, sec. 20, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 6, sec. 4, effective July 13, 1990. -- Amended 1986 Ky. Acts ch. 26, sec. 5, effective July 15, 1986. -- Amended 1984 Ky. Acts ch. 326, sec. 7, effective July 13, 1984. -- Amended 1982 Ky. Acts ch. 261, sec. 5, effective July 1, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 272; and ch. 385, sec. 6, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 389, sec. 23, effective July 1, 1978. -- Amended 1974 Ky. Acts ch. 74, Art. VI, secs. 102 and 107(21). -- Amended 1964 Ky. Acts ch. 168, sec. 3. -- Amended 1962 Ky. Acts ch. 223, sec. 2. -- Amended 1958 Ky. Acts ch. 4, sec. 8. -- Amended 1952 Ky. Acts ch. 154, secs. 12 and 13. --

Amended 1950 Ky. Acts ch. 206, sec. 1. -- Amended 1948 Ky. Acts ch. 216, sec. 12.  
-- 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.