

### **341.712 Suitable work standards for extended benefit claimants.**

- (1) No work shall be deemed to be suitable work for a worker making a claim for extended benefits, nor a disqualification imposed for refusal thereof, which does not accord with the labor standard provisions required by 26 U.S.C. sec. 3304(a)(5) (Section 3304(a)(5) of the Internal Revenue Code of 1954) and set forth herein under KRS 341.100, or if a worker would not be denied benefits by reason of the requirements set forth in KRS 341.350 as required by 26 U.S.C. sec. 3304(a)(8) (Section 3304(a)(8) of the Internal Revenue Code of 1954).
- (2) For purposes of this section, the term "suitable work" shall mean, with respect to any worker, any work which is within such worker's capabilities, provided, however, that the gross average weekly remuneration payable for the week must exceed the sum of:
  - (a) The worker's extended weekly benefit amount as determined under this chapter, plus
  - (b) The amount, if any, of supplemental unemployment benefits as defined in 26 U.S.C. sec. 501(c)(17)(D) (Section 501(c)(17)(D) of the Internal Revenue Code of 1954) payable to such worker for such week; and further
  - (c) Pays wages not less than the higher of:
    1. The minimum wage provided by 29 U.S.C. sec. 206 (Section 6(a)(1) of the Fair Labor Standards Act of 1938) without regard to any exemption; or
    2. The applicable state or local minimum wage;
  - (d) Provided, however, that no worker shall be denied extended benefits for failure to accept an offer of or apply for any job which meets the definition of suitability as described above if:
    1. The position was not offered to such worker in writing or was not listed with the employment service; or
    2. Such failure could not result in a denial of benefits under the definition of suitable work for regular benefit claimants as provided in this chapter to the extent that such criteria of suitability in that section are not inconsistent with the provisions of this subsection; or
    3. The worker furnishes satisfactory evidence to the secretary that his prospects for obtaining work in his customary occupation within a reasonably short period are good. If such evidence is deemed satisfactory for this purpose, the determination of whether any work is suitable with respect to such worker shall be made in accordance with the definition of suitable work for regular benefit claimants without regard to the definition specified in this section.

**Effective:** July 15, 1996

**History:** Amended 1996 Ky. Acts ch. 266, sec. 23, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 136, sec. 5, effective July 15, 1994. -- Created 1982 Ky. Acts ch. 67, sec. 2, effective July 15, 1982.