

342.395 Employee deemed to have accepted provisions of chapter -- Employee's written notice of rejection -- Withdrawal of election.

- (1) Where an employer is subject to this chapter, then every employee of that employer, as a part of his or her contract of hiring or who may be employed at the time of the acceptance of the provisions of this chapter by the employer, shall be deemed to have accepted all the provisions of this chapter and shall be bound thereby unless he or she shall have filed, prior to the injury or incurrence of occupational disease, written notice to the contrary with the employer; and the acceptance shall include all of the provisions of this chapter with respect to traumatic personal injury, silicosis, and any other occupational disease. However, before an employee's written notice of rejection shall be considered effective, the employer shall file the employee's notice of rejection with the Department of Workers' Claims. The commissioner of that department shall not give effect to any rejection of this chapter not voluntarily made by the employee. If an employee withdraws his or her rejection, the employer shall notify the commissioner.
- (2) An employer shall not require an employee to execute a rejection of this chapter as either a condition to obtain employment or a condition to maintain employment. An employer shall not terminate an employee for refusal to execute a rejection of this chapter.
- (3) Until notice to the contrary as specified in subsection (1) of this section is given to the employer, the measure of liability of the employer shall be determined according to the compensation provisions of this chapter. Any employee, may, without prejudice to any existing right or claim, withdraw his election to reject this chapter by filing with the employer a written notice of withdrawal, stating the date when the withdrawal is to become effective. Following the filing of that notice, the status of the party withdrawing shall become the same as if the former election to reject this chapter had not been made, except that withdrawal shall not be effective as to any injury sustained or disease incurred less than one (1) week after the notice is filed.

Effective: July 15, 2010

History: Amended 2010 Ky. Acts ch. 24, sec. 1829, effective July 15, 2010. -- Amended 1996 Ky. Acts ch. 355, sec. 15, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 181, Part 15, sec. 87, effective April 4, 1994. -- Amended 1976 Ky. Acts ch. 160, sec. 8. -- Amended 1956 Ky. Acts ch. 77, sec. 14, effective August 1, 1956. -- Amended 1952 Ky. Acts ch. 82, sec. 1. -- Amended 1948 Ky. Acts ch. 64, sec. 15. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4957.