EDUCATION and WORKFORCE DEVELOPMENT CABINET
Office of the Secretary

Andy Beshear
Governor

Jacqueline Coleman
Lieutenant Governor
and Secretary

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ORDER

March 25, 2020

On March 6, 2020, Governor Andy Beshear signed Executive Order 2020-215, declaring a State of Emergency in the Commonwealth due to the outbreak of COVID-19 virus, a public health emergency. Pursuant to authority in KRS Chapter 39A, including but not limited to KRS 39A.100(1)(b), (j), and (k), KRS 151B.020, KRS 341.125, KRS 341.180, KRS 341.490, the federal Families First Coronavirus Response Act (Pub. L. 116-127), Executive Order 2020-215, Executive Order 2020-235, and Executive Order 2020-257, the Education and Workforce Development Cabinet (Cabinet), hereby orders the following directives until the end of the state of emergency, to reduce and slow the spread of COVID-19 and to ensure the economic stability of the Commonwealth and its employers and employees:

1. During the State of Emergency herein referenced, the provisions of KRS Chapter 341 and KAR Title 787 are suspended or waived as provided below.

2. The Office of Unemployment Insurance is authorized, to the maximum extent permitted under Kentucky and federal law, and throughout the duration of the State of Emergency, to interpret flexibly or waive, as appropriate, the following:
    a. "Good cause" provisions in making a determination of eligibility, including but not limited to leaving work due to a reasonable risk of exposure to infection (i.e., self-quarantine) or to care for a family member affected by the virus;
    b. To expand coverage to the self-employed and those otherwise uninsured individuals who have suffered job loss due to COVID-19; and
    c. To allow employees who have not been terminated or separated from employment but have experienced a reduction in work hours of more than 10 percent but less than 60 percent with no reduction in hourly rate, or the equivalent thereto, to be eligible for unemployment benefits to compensate the employee for the temporary loss of income.

3. The flexible interpretation and waiver of the policies listed above shall be in addition to the directives given to the Cabinet in Executive Order 2020-235 regarding the following:
    a. The one-week waiting period prior to becoming eligible for benefits;
    b. The able to work and available to work requirements;
    c. The actively seeking work requirements; and
    d. Suitable work in the context of COVID-19.

4. The Office of Unemployment Insurance shall require employers to provide notification of the availability of unemployment compensation to employees at the time of separation from employment.

5. The Office of Unemployment Insurance is ordered to provide reasonable means for the filing of initial claims and continued certifications, including both telephone and internet access.

6. The Office of Unemployment Insurance shall not allocate charges to employers' accounts for individuals who are paid benefits for reasons related to COVID-19. The Office of Unemployment Insurance shall separately account for these expenditures so the Commonwealth of Kentucky can seek waiver and reimbursement from the federal government.

7. The Cabinet shall seek eligible waivers, reimbursement, or other assistance as necessary from the federal government, in addition to employer contributions, and shall have the discretion to use other resources to reimburse the trust fund as needed when funds become available in order to provide benefits to as many people as practicable and maintain the integrity of the Unemployment Insurance Trust Fund.

8. If the Cabinet identifies other state laws, regulations, and policies that may inhibit the fair and timely distribution of unemployment benefits to those affected by COVID-19, the Cabinet may flexibly interpret, modify, or waive those state laws, regulations, and policies, as appropriate, to effectuate the purposes of this Order.

9. The Cabinet shall construe KRS Chapter 341 and KAR Title 787 in accordance with the provisions and purposes of any Guidance published by the DOL and consistent with the purposes of federal legislation to address the COVID-19 pandemic, including the Family First Coronavirus Response Act, which directs a commitment to maintain and strengthen access to unemployment insurance benefits and requires that states take steps to ease eligibility requirements for unemployment benefits.

10. This Order is not intended to create and does not create any individual right, privilege, or benefit, whether substantive or procedural, enforceable at law or in equity by any party against the Commonwealth of Kentucky, its agents, departments, political divisions, or other entities, or any officers, employees, or agents thereof, or any other persons.

This Order is effective March 6, 2020, and shall be in effect for the duration of the state of emergency herein referenced, or until this Order is rescinded by further order or by operation of law. The Education and Workforce Development Cabinet may extend or modify this Order at any time.

Jacqueline Coleman

Jacqueline Coleman
Lt. Governor/Secretary
Education and Workforce Development Cabinet

Josh Benton
Deputy Secretary
Education and Workforce Development Cabinet