

Kansas Administrative Regulations

Department of Labor—Division of Employment

Article 3.—Unemployment Insurance Benefits

50-3-5. Benefit payments; interstate workers.

(a) Interstate cooperation. The following regulation shall govern administrative cooperation with other states adopting a similar regulation for the payment of benefits to interstate claimants.

(b) Definitions. As used in this regulation, unless the context clearly requires otherwise, the following terms shall have the meanings specified below:

(1) "Agent state" means any state from or through which an individual files a claim for benefits from another state.

(2) "Benefits" means the compensation payable to an individual, with respect to unemployment, under the unemployment insurance law of any state.

(3) "Interstate benefit payment plan" means the plan approved by the interstate conference of employment security agencies under which benefits are payable to unemployed individuals absent from the state or states in which benefit credits have been accumulated.

(4) "Interstate claimant" means an individual who files a claim for benefits under the unemployment insurance law of a liable state from another state, through the facilities of an agent state, or directly with the liable state. The term "interstate claimant" shall not include any individual who customarily commutes from a residence in another state to work in a liable state, unless the Kansas department of human resources, division of employment security finds that this exclusion would create undue hardship on these claimants in specified areas.

(5) "Liable state" means any state against which an individual files, from or through another state, a claim for benefits.

(6) "State" shall include the District of Columbia, Puerto Rico, and the Virgin Islands.

(7) "Week of unemployment" shall include any week of unemployment as defined in the law of the liable state from which benefits with respect to that week are claimed.

(c) Notification of interstate claim. The liable state shall notify the agent state of each initial claim and each week claimed filed from the agent state, using the uniform procedures and record format pursuant to the interstate benefit payment plan.

(d) Registration for work.

(1) The agent state shall register for work each interstate claimant who files through the agent state or upon notification of direct filing with the liable state as required by the laws, regulations, and procedures of the agent state. This registration shall be accepted as meeting the registration requirements of the liable state.

(2) Each agent state shall duly report, to the liable state in question, each interstate claimant who fails to meet registration or reemployment assistance reporting requirements of the agent state.

(e) Benefit rights of interstate claimants. If a claimant files a claim against any state and it is determined by the state that the claimant has available benefit credits in the state, the claims shall be filed against the state only as long as benefit credits are available in that state. Thereafter, the claimant may file claims against any other state in which there are available benefit credits. For the purposes of this regulation, benefit credits shall be deemed to be unavailable under either of the following conditions:

(1) Whenever benefits have been exhausted, terminated, or postponed for an indefinite period or for the entire period in which benefits would otherwise be payable; or

(2) whenever benefits are affected by the application of a seasonal restriction.

(f) Claims for benefits.

(1) Claims for benefits or for a waiting period filed through the facilities of an agent state shall be filed by interstate claimants using approved methods and procedures developed pursuant to the interstate benefit payment plan. Claims shall be filed by calendar week. Any adjustments required to fit the type of week used by the liable state shall be made by the liable state.

(2) Claims for benefits or for a waiting period filed by an interstate claimant directly with the liable state shall be filed in accordance with the liable state's procedures.

(3) With respect to weeks of unemployment during which an individual is attached to the individual's regular employer, the liable state shall accept as timely any claim,

including an initial claim or weeks claimed filed through the agent state within the time limit applicable to these claims under the laws of the agent state.

(g) Providing assistance to interstate claimants.

(1) Each agent state, upon request by an interstate claimant, shall assist the individual with the understanding and filing of necessary notices and documents.

(2) The liable state shall provide interstate claimants with access to information concerning the status of their claims throughout the normal business day.

(h) Eligibility review program. The liable state shall schedule and conduct eligibility review interviews for interstate claimants.

(i) Determination of claims.

(1) The agent state shall, in connection with each claim filed by an interstate claimant, identify to the liable state in question any potential issue relating to the claimant's availability for work and eligibility for benefits as determined by the agent state.

(2) The agent state's responsibility and authority in connection with the determination of interstate claims shall be limited to the identification of potential issues identified in connection with the initial claim or weeks claimed filed through the agent state and the reporting of relevant facts pertaining to each claimant's failure to register for work or report for reemployment assistance as required by the agent state.

(j) Appellate procedure.

(1) The agent state shall afford all reasonable cooperation in the taking of evidence and the holding of hearings in connection with appealed interstate benefit claims when so requested by a liable state.

(2) With respect to the time limits imposed by the law of the liable state upon the filing of an appeal in connection with a disputed benefit claim, an appeal made by an interstate claimant shall be deemed to have been made and communicated to the liable state on the date when it is received by any qualified officer of the agent state.

(3) The liable state shall conduct hearings in connection with appealed interstate benefit claims. The liable state may contact the agent state for assistance in special circumstances.

(k) Extension of interstate benefit payment plan to include claims taken in and for Canada. This regulation shall apply in all its provisions to claims taken in and for Canada.

(Authorized by and implementing K.S.A. 1999 Supp. 44-714(k); effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1980; modified, L. 1981, ch. 421, May 1, 1981; amended May 1, 1983; amended Feb. 16, 2001.)

***** Authenticated Kansas Administrative Regulation *****