

Kansas Administrative Regulations

Department of Labor—Division of Employment

Article 3.—Unemployment Insurance Benefits

50-3-2. Initial claims for benefits; intrastate workers.

(a) Filing an initial claim. Each unemployed worker shall file a claim by telephone, mail, electronic mail, any other telephonic or electronic communications, or any manner prescribed by the secretary.

(b) Definitions. For purposes of determining eligibility for waiver of the one-week waiting period under K.S.A. 44-705 and amendments thereto, these terms shall be defined as follows:

(1) "Terminating business operations within this state" means the cessation or ending of activities that produce goods or provide services by an employer within the state of Kansas. The employer has not provided each employee displaced by this action an opportunity to transfer to another of the employer's business operations in Kansas, or the employer has no other business operation in Kansas. This term shall include the closing of a plant, store, or worksite; the destruction of the business due to natural disaster or civil disruption; and sale of the plant or store to another entity if the new owner does not keep all the employees of the previous owner.

(2) "Declaring bankruptcy" means the filing by an employer for any class of bankruptcy under the federal bankruptcy laws.

(3) The "WARN Act" means the worker adjustment and retraining notification act, public law 100-379, which requires an employer to give the employees at least a 60-day advance notice of a plant closing or mass layoff if an employment site will be shut down, resulting in any of the following:

(A) A facility or operating unit is shut down for more than six months.

(B) Fifty or more employees lose their jobs during any 30-day period at a single site of employment.

(C) A layoff of six months or longer meets one of the following conditions:

(i) Affects 500 or more employees; or

(ii) results in an employment loss of 50 to 499 employees if the employees comprise at least 33 percent of the active workforce at a single employment site.

(c) Effective date of initial claim. The effective date of an initial claim shall be the first day of the calendar week in which the filing date, as defined in subsection (d) of this regulation, occurs, unless otherwise provided. When filing occurs with respect to a week that overlaps a preceding benefit year, the effective date shall be the first day immediately following the expiration date of the preceding benefit year.

(d) Filing date of initial claims.

(1) Claim filed by telephone or other form of telephonic communication. The filing date of initial claims filed by telephone or any other form of telephonic communication shall be the actual date the worker contacts the division's call center to file the initial claim. If the worker fails to provide all required information during the original call or within seven days of the original filing date, the filing date shall become the date the information is provided in its entirety.

(2) Claim filed by mail.

(A) The filing date of initial claims filed by mail shall be the date the worker mailed a written request to the division for claim forms or otherwise attempted to file a claim. If the worker fails to return the completed forms to the claims office by the end of the calendar week following the week in which the forms were mailed to the worker, the filing date of the initial claim shall be the date on which the completed forms are mailed to the claims office.

(B) When a worker is given claim forms for completion and directed by a division representative to complete and return the forms to the claims office, the filing date of the initial claim shall be the actual date the forms were given to the worker. However, if the completed claim forms are not mailed to the claims office before the end of the calendar week following the actual date the forms were provided to the worker, the filing date of the initial claim shall be the actual date the completed forms were mailed to the claims office.

(3) Claim filed by electronic mail or any other means of electronic communication. The filing date of initial claims filed by electronic mail or any other means of electronic

communication shall be the actual date the claim is transmitted by electronic mail or other means of electronic communication to the division.

(e) Late filed initial claim by totally or partially unemployed workers. If the effective date of an initial claim, established in accordance with subsection (c) of this regulation, is later than the first day of the calendar week in which the worker became unemployed because of a late filing date, and if the worker establishes good cause for the late reporting in accordance with K.A.R. 50-3-4(a) and files the initial claim during the second consecutive week in which the individual is unemployed, the effective date of the claim shall be the first day of the week in which the worker became unemployed.

(f) New claims. A new claim for benefits shall be filed in a manner prescribed by the secretary, which shall set forth the dates and reasons for separation from recent employment, and any other information required by the division. A new claim for benefits filed by a partially unemployed or temporarily unemployed worker shall constitute that employee's registration for work. Claims by workers living outside the United States and its territories shall be filed in the same manner as that for intrastate claims. Claims personnel shall give each claimant necessary and appropriate assistance as they reasonably can, including referral to the public employment office most accessible to the employee.

Those employees temporarily unemployed, partially unemployed, or affiliated with a union that customarily places its members in employment may be excused from registration for work.

(g) Additional claims. A worker having previously established a benefit year that has not ended shall reinstate the claim by filing an additional claim if either of the following conditions is met:

(1) The employee has earned wages equal to or in excess of the employee's weekly benefit amount.

(2) The employee has failed to continue the claim for one or more consecutive weeks and has had intervening employment.

The additional claim shall be filed in a manner prescribed by the secretary, which shall set forth the date and reasons for separation from recent employment, and any other information that the division may prescribe in the forms. Claims by workers living

outside the United States and its territories shall be filed in the same manner as that for intrastate claims. An additional claim for benefits filed by a partially unemployed or temporarily unemployed worker shall constitute that employee's registration for work.

(h) Payment of benefits for waiting week pursuant to K.S.A. 44-705 and amendments thereto. The benefits for the waiting week period shall be paid in the claimant's fourth week of unemployment. A break in claims during the period of three consecutive weeks or the claimant's failure to meet the eligibility requirements during any of the three weeks shall result in a nonpayable waiting week.

(Authorized by and implementing K.S.A. 2006 Supp. 44-709(a) and K.S.A. 2006 Supp. 44-705(d), as amended by L. 2007, ch. 16, §2; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1980; amended May 1, 1983; amended Feb. 16, 2001; amended Nov. 2, 2007.)

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