

Kansas Administrative Regulations

Department of Labor—Division of Employment

Article 1.—Meaning of Terms

50-1-4. Definitions; unemployment compensation claims and benefit payments.

(a) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or other special factors under provisions of any other state law. An "exhaustee" is an individual who has been paid all available unemployment insurance benefits.

(b) "Agent state" means any state in which an individual files a claim for benefits against another state.

(c) "Continued claim" means a request, filed as prescribed, for waiting period credit or benefits for a week of unemployment.

(d) "Covered wages" means wages paid for employment that is subject to the provisions of the Kansas employment security law.

(e) "Initial application or claim" means a new application or an additional application.

(1) "New application or claim" means a notice by a worker, filed as prescribed, that the worker intends to claim unemployment compensation benefits and desires a determination as to the worker's rights to benefits, the validity of the claim, and, if valid, the inclusive dates of the worker's benefit year and the amount of benefits for which the worker is qualified on the basis of base period wage credits.

(2) "Additional application or claim" means a notice by any worker with a benefit year currently in effect, filed as prescribed, that the worker intends to resume the worker's claim in the previously established benefit year.

(f) "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.

(g) "Interstate claimant" means an individual who claims benefits under the unemployment compensation 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 liable state finds that this exclusion would create undue hardship on claimants in specified areas.

(h) "Liable state" means any state against which an individual files a claim for benefits.

(i) A "mass layoff" means a layoff of 25 or more workers because of lack of work, by an employer, at or about the same time.

(j) "Student," as used in K.S.A. 44-703(i)(4)(N) and amendments thereto, is an individual who performs services in the employ of a school, college, or university and who is enrolled and regularly attending classes at the school, college, or university. If the individual is pursuing a regular course of study in accordance with the requirements of the school the individual attends, the individual shall meet the requirements of "regularly attending classes."

Any individual who performs services in the employ of a school, college, or university that are incidental to and for the purposes of pursuing a course or courses of study at the school shall be considered to have the status of a student in the performance of that service. An individual who performs services in the employ of a school, college, or university primarily as a means of earning a livelihood may be considered an employee even though the individual takes a course or courses of study at the school. This individual shall not be classified as a "student" in the performance of these services.

(k) Types of unemployed workers.

(1) "Full-time employment" means that, with respect to any one week, an individual works 40 or more hours or any other number of hours that is the recognized custom in the industry, irrespective of the individual's earnings for the week.

(2) "Partial unemployment" means that, with respect to any one week, an individual works less than full time because of lack of work and earns less than the individual's weekly benefit amount. Work and earnings from all employment shall be considered together in determining whether the individual worked less than full time and earned less than the individual's weekly benefit amount during the week.

(3) "Temporary unemployment" means that the individual has been laid off due to lack of work by an employing unit for which the individual has worked full time and for which the individual expects to again work full time, and that the individual's employment with the employing unit, although temporarily suspended, has not been terminated. Temporary unemployment shall not exceed four consecutive weeks.

(4) "Total unemployment" means that, with respect to any one week, the individual performs no services and earns no remuneration for services.

(l) "Week" means the calendar week of seven consecutive days beginning 12:01 a.m. Sunday and ending 12:00 midnight the following Saturday.

(m) "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. (Authorized by K.S.A. 1999 Supp. 44-714; implementing K.S.A. 1999 Supp. 44-703, 44-704, 44-705, 44-709, and 44-714; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1984; amended Feb. 16, 2001.)

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