Kentucky Passes Emergency Law In Response To COVID-19 Outbreak

Insights
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Kentucky employers will need to get acquainted with a new state law just signed into effect yesterday that addresses a number of coronavirus-related issues that are relevant to the workplace. After passing the state legislature late last week, Governor Andy Beshear signed SB 150 into law on March 30, 2020. It went into effect immediately, so the time to get up to speed on it is now.

Licensing Reprieve
First, it grants the governor permission to direct any administrative body to suspend or waive administrative or licensing fees for businesses who have been closed or whose business has been altered by the coronavirus. This includes renewal and application fees and other administrative obligations. These suspensions may last through the duration of the state of emergency, which was issued by the governor on March 6, 2020. For licenses that have expired or may expire before the end of the state of emergency, the bill grants licensees an additional 30 days after the expiration of the state of emergency to pay any fees or take any additional required measures.

Unemployment Insurance
The bill next addresses unemployment insurance. On March 16, Governor Beshear waived the "waiting week" for unemployment claims by Executive Order. The waiting week is an unpaid week claimants must typically serve before receiving any unemployment benefits. The new bill temporarily suspends the waiting week throughout the duration of the state of emergency. The bill contains a number of additional items related to unemployment, including an amendment to the normal base period.

Among those who benefit under the new bill's unemployment provisions are those who would not traditionally been covered by unemployment insurance benefits. For example, during the state of emergency, the Commonwealth may now adopt an alternative base period under which an employee is qualified for benefits. This will assist those who would not have otherwise been employed long enough to receive unemployment benefits. In addition, the bill expands coverage of unemployment benefits to those who are self-insured and the self-employed. Finally, employees who have not been terminated or laid off but have had their hours reduced are now eligible to receive unemployment benefits. The bill specifies it applies to those who "have experienced a reduction in work hours of more than 10% but less than 60%."

Miscellaneous Provisions

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The bill covers a host of other subjects, including, but not limited to:

- Telehealth providers, who must register with the appropriate state agency to render clinically appropriate and medically necessary services;
- The sale of alcoholic beverages, which may be sold on a delivery, to-go, or take-out basis in conjunction with food sales; and
- Employees of farm retail outlets and supplies, who may now operate vehicles that would otherwise require Class B or C commercial driver's licenses.

Conclusion

In passing and signing SB 150, the Kentucky legislature and the governor have recognized the toll the coronavirus is having both on the citizens of the Commonwealth and their businesses. As noted above, the law took effect as soon as it was signed by Governor Beshear.

We will continue to monitor the rapidly developing COVID-19 situation and provide updates as appropriate. Make sure you are subscribed to Fisher Phillips' Alert System to get the most up-to-date information. For further information, contact your Fisher Phillips attorney, any attorney in our Louisville office, or any member of our COVID-19 Taskforce. You can also review our nationwide Comprehensive and Updated FAQs for Employers on the COVID-19 Coronavirus and our FP Resource Center For Employers, maintained by our Taskforce.

This Legal Alert provides an overview of a specific state law. It is not intended to be, and should not be construed as, legal advice for any particular fact situation.

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