Legal Aid Society has put together a list of Frequently Asked Questions. These provide information for workers whose jobs, income, health, and families are affected by the coronavirus outbreak. Visit Legal Aid Society’s website at www.yourlegalaid.org for more information. Please free to contact us with any questions or concerns or to apply for legal assistance at (502) 584-1254.

UNEMPLOYMENT INSURANCE BENEFITS (UI BENEFITS)

What can I do if my employer cut my hours, forced me to take unpaid leave, or ended my employment due to the coronavirus (COVID-19)?

You may file a claim for Unemployment Insurance benefits. This is because you have lost work through no fault of your own. The Governor has declared that Kentuckians who lost work because of COVID-19 will be eligible for UI benefits. This includes cut hours, unpaid temporary leave, or permanent job termination because of COVID-19. People who have been quarantined are also eligible.

How do I apply for UI benefits?

The application can be filed online or over the phone with the Kentucky Career Center (KCC) location nearest you. Please note that the KCC in-person offices across the state have been closed to prevent the spread of COVID-19. However, KCC workers are still providing services by telephone. Below are the locations and phone numbers that you can call for any UI questions. Please use the phone number for the location nearest you so that no location is overwhelmed by callers.

(270) 746-7425  Bowling Green Area
(270) 766-5115  Elizabethtown Area
(859) 292-6666  Covington Area
(888) 503-1423  Hazard Area
(270) 889-6509  Hopkinsville Area
(859) 233-5940  Lexington Area
(502) 595-4003  Louisville Area
(606) 783-8525  Morehead Area
(270) 686-2502  Owensboro Area
(270) 575-7000  Paducah Area
(888) 503-1423  Prestonsburg Area
(606) 677-4124  Somerset Area

You can also call the UI Help Line at (502) 564-2900, if you have questions.
To file online, please visit the KCC’s Unemployment Insurance Claims System at https://uicclaims.des.ky.gov/ebenefit/eben.htm. Be sure to read all of the information. Then, scroll to the bottom and then hit “I Agree” to start your application process.

**Is there still a week-long waiting period before I can receive UI benefits?**

No. Kentucky has removed the requirement of a one week waiting period. The usual waiting week will not be required so long as the State of Emergency is in effect.

**Do I still need to try to find new work while receiving UI benefits?**

No. Kentucky has waived that requirement. You will not be required to look for work until after the State of Emergency ends.

**What if I am an independent contractor who experienced a loss in work due to COVID-19?**

**What about self-employed? Can I apply for UI benefits?**

Yes. Unemployment Insurance benefits have recently expanded to include independent contract workers and self-employed individuals, too.

**What if I have been furloughed on reduced wages? Can I still apply for UI benefits even though I’m receiving partial pay?**

Yes. You can apply for UI benefits to replace the lost portion of your wages due to furlough. For instance, if you are furloughed at 50% of your pay, then you would qualify for benefits to make up for other lost half. However, some employers require furloughed employees to first use vacation time or paid time off before they can apply for UI benefits.

**Can I receive UI benefits if I am not a United States citizen?**

Maybe. You can qualify for UI benefits as a non-citizen only if you are eligible to work in the United States (e.g. DACA recipient, work visa holder, etc.).

**How much will I receive in UI benefits?**

Your weekly benefit amount is based off your past wages prior to job loss. Kentucky’s UI benefits range between a $39 minimum and a $552 maximum amount per week. The federal stimulus recently added $600 per week in additional benefit. This extra amount will be added to your regular state benefit each week through July 31, 2020.

**How long will the weekly UI benefits last?**

You will receive benefits for 14 days once your application is approved. After that, you can renew those benefits every two weeks. You may continue extending your UI benefits for 39 weeks after you first receive them.

**What changes have there been to UI benefits during this State of Emergency? What changes could still potentially occur?**
The Governor has already made the following changes:
- Expanded the types of workers who can apply
  - Includes contractors, self-employed, and temporarily laid off workers
- Waived seven-day waiting period
- Waived work-search requirements

The federal government added 13 weeks on top of Kentucky’s 26 week UI benefit period, plus an extra $600 per week.

There is also a proposed Kentucky Senate Bill 150. It would allow for the Governor to make the following new changes to Kentucky UI benefits:
- The state could adopt an alternative base period. This would change the minimum amount of wages required for a worker to qualify for UI benefits
- The state could change the amount of benefits payable to any worker within a given benefit year

**COVID-19 IMPACT ON WORK ENVIRONMENT**

**Is my employer allowed to send me home if I start showing symptoms related to COVID-19?**

Yes. Authorities are allowing for employers to send workers home when they start showing symptoms of COVID-19. These symptoms include fever, cough, and shortness of breath. Your employer may also ask that you stay home if you recently returned from a country affected by COVID-19. You can use any paid sick days that have been provided by your employer.

There is no Kentucky law requiring private employers to provide paid sick leave. However, starting April 2, federal law will require that your employer provide two weeks of paid sick leave. This new rule applies unless more than 500 people are employed there. Also, your employer can seek an exemption if they have fewer than 50 employees.

**Will my job be safe while I am away from work?**

Yes, for up to 12 weeks. Federal law allows for up to 12 weeks of unpaid job-protected leave if the following applies to you:
1. You work for an employer with at least 50 employees within 75 miles of your work-site;
2. You have worked there for at least one (1) year; and
3. You have worked at least 1250 hours in the year before you take time off.

**Can I use paid sick leave for reasons related to COVID-19?**

Yes. Federal law requires that employers provide up to two weeks of paid sick leave. This means 80 hours for full time employees. For part-time employees, it would be the number of hours that you would normally work in two weeks. Your pay will be based on the high end of what you would have made, or the state or Federal minimum wage, paid at:
- 100% of pay rate up to $511 daily and $5,110 total if, due to COVID-19, you:
  - are subject to a Federal, State, or local quarantine or isolation order
  - have been told by a health care provider to self-quarantine
  - are experiencing COVID-19 symptoms and are seeking a medical diagnosis
- 2/3 of pay rate up to $200 daily and $2,000 total, if you:
- are caring for an individual with a quarantine or isolation order, or someone who has been told by a healthcare provider to self-quarantine
- are experiencing a health condition substantially similar to COVID-19, as specified by the U.S. Department of Health and Human Services

Although there is generally no paid family leave in Kentucky, you qualify for paid leave under the federal Families First Coronavirus Response Act (H.R.6201).

**Can I take paid leave in order to care for my child since their school or regular place of care is closed, even if my child isn’t sick?**

Yes. If you have been an employee there for at least 30 days, you can take an added 10 weeks of family and medical leave. Those 10 weeks would be on top of the two weeks of paid sick leave, for a total of 12 weeks. Those extra 10 weeks will be paid at 2/3 of your pay rate, for up to $200 daily and $10,000 total.

**What can I do if my employer has treated me differently or dismissed me from work because they made assumptions about me due to the COVID-19 outbreak since I am Asian or from another country?**

You may file a charge of discrimination. Your employer cannot treat your worse than other workers because of your race, national origin, or ethnic background. It is against the law for them to make such assumptions about your contact level with COVID-19 and force you to stay home.

**What happens if Kentucky issues an order that I need to stay at home? Can my employer require me to come to work? Are they allowed to fire me if I don’t?**

You may have a claim for wrongful termination if your employer fires you for not showing up for work when it would have violated a government order. If the government orders you to stay home, you are entitled to the same paid sick days or job-protected unpaid leave as mentioned above.

**I was scheduled for work when my employer sent me home because they had to close or limit business due to COVID-19. Can I recover the wages from that schedule shift?**

No. Kentucky does not require Reporting Time Pay. This means that employers do not have to pay employees for scheduled shifts if no work was performed. Also, they do not have to pay for any remaining scheduled work time after employees were dismissed from work.

**Is my employer required to provide a way for me to work remotely if I have a disability? What if I have a compromised immune system?**

Yes. You may be entitled to a “reasonable accommodation” at work to enable you to perform your job while also protecting your health. However, an employer does not have to provide an accommodation that changes the essential functions of the job or causes “undue hardship.” Undue hardship to the employee means that it would be too costly or burdensome.
Can an employer ask me about a health condition related to COVID-19 (like whether I have a compromised immune system)? If I tell my employer that I have COVID-19, are they allowed to tell my coworkers?

No, and no. It is against the law for an employer to ask you a question where the answer is likely to disclose a disability. Further, your employer is not allowed to disclose any medical information to others. That information must be kept confidential and private.

**DISCLAIMER**
This document was last updated on April 2, 2020. Given our current State of Emergency, both at the federal and state level, the information above is subject to change. Government policy during a time of emergency can be ever-shifting. Legal Aid Society cannot ensure that the information contained in this document is up-to-date. Nor are we responsible for reliance upon such information. The contents of this document are in no way binding. They do not carry the force and effect of law. We advise you to not rely on this information without consulting an attorney or an appropriate agency about your particular situation. This FAQ is purposed solely for providing general information and additional clarity regarding the legal rights of Kentucky employees, specifically during the COVID-19 State of Emergency.