

2245--A

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. ONORATO, ADAMS, ADDABBO, AUBERTINE, BRESLIN, DIAZ, DILAN, HASSELL-THOMPSON, HUNTLEY, KRUEGER, LANZA, OPPENHEIMER, PARKER, PERKINS, SAVINO, SCHNEIDERMAN, SERRANO, SQUADRON, STACHOWSKI, STAVISKY, STEWART-COUSINS, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to the unemployment insurance law, increasing the maximum benefit rate for unemployment insurance

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor
2 law, as amended by chapter 589 of the laws of 1998, is amended to read
3 as follows:
4 (a) "Wages" means all remuneration paid, except that such term does
5 not include remuneration paid to an employee by an employer after [eight
6 thousand five hundred] NINE THOUSAND SEVEN HUNDRED FIFTY dollars have
7 been paid to such employee by such employer with respect to employment
8 during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOU-
9 SAND ELEVEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN
10 EMPLOYER AFTER ELEVEN THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO
11 SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY
12 CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND TWELVE,
13 NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER
14 THIRTEEN THOUSAND DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH
15 EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR PRECEDING
16 THE FIRST DAY OF JANUARY, TWO THOUSAND THIRTEEN. IN EACH SUCCEEDING
17 CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT OF REMUN-
18 ERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO PROVIDE
19 FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [] is old law to be omitted.

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1 ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST FUND
2 PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE NECES-
3 SARY. The term "employment" includes for the purposes of this subdivi-
4 sion services constituting employment under any unemployment compen-
5 sation law of another state or the United States.

6 S 2. Subdivision 5 of section 590 of the labor law, as amended by
7 chapter 413 of the laws of 2003, is amended to read as follows:

8 5. Benefit rate. A claimant's weekly benefit amount shall be one twen-
9 ty-sixth of the remuneration paid during the highest calendar quarter of
10 the base period by employers, liable for contributions or payments in
11 lieu of contributions under this article. However, for claimants whose
12 high calendar quarter remuneration during the base period is three thou-
13 sand five hundred seventy-five dollars or less, the benefit amount shall
14 be one twenty-fifth of the remuneration paid during the highest calendar
15 quarter of the base period by employers liable for contributions or
16 payments in lieu of contributions under this article. Any claimant
17 whose high calendar quarter remuneration during the base period is more
18 than three thousand five hundred seventy-five dollars shall not have a
19 weekly benefit amount less than one hundred forty-three dollars. The
20 weekly benefit amount, so computed, that is not a multiple of one dollar
21 shall be [lowered to] the next multiple of one dollar. On the first
22 Monday of September, nineteen hundred ninety-eight the weekly benefit
23 amount shall not exceed three hundred sixty-five dollars nor be less
24 than forty dollars, until the first Monday of September, two thousand,
25 at which time the maximum benefit payable pursuant to this subdivision
26 shall equal one-half of the state average weekly wage for covered
27 employment as calculated by the department no sooner than July first,
28 two thousand and no later than August first, two thousand, rounded
29 [down] to the [lowest] NEXT dollar. ON THE FIRST MONDAY OF JULY, TWO
30 THOUSAND TEN, THE WEEKLY BENEFIT SHALL NOT EXCEED FOUR HUNDRED SEVENTY-
31 FIVE DOLLARS NOR LESS THAN SEVENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY
32 OF JULY, TWO THOUSAND ELEVEN AT WHICH TIME THE WEEKLY BENEFIT SHALL NOT
33 EXCEED FIVE HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF JULY,
34 TWO THOUSAND TWELVE AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL NOT
35 EXCEED FIVE HUNDRED SEVENTY-FIVE DOLLARS UNTIL THE FIRST MONDAY OF JULY,
36 TWO THOUSAND THIRTEEN, AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL
37 NOT EXCEED SIX HUNDRED TWENTY-FIVE DOLLARS UNTIL THE FIRST MONDAY OF
38 JULY, TWO THOUSAND FOURTEEN AT WHICH TIME THE MAXIMUM BENEFIT PURSUANT
39 TO THIS SUBDIVISION SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY
40 WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO
41 THOUSAND FOURTEEN AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND FOURTEEN
42 AND ON JULY FIRST OF EACH SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL
43 EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE
44 DEPARTMENT ANNUALLY PURSUANT TO THE MANNER DESCRIBED IN THIS SUBDIVI-
45 SION.

46 S 3. This act shall take effect immediately and shall apply to all
47 claims filed on and after the effective date of this act; provided,
48 however, that section one of this act shall take effect on the thirtieth
49 day after it shall have become a law.