

2245--B

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 -- 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 TWELVE 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 FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE
15 BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR
16 PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND THIRTEEN. IN EACH
17 SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT
18 OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO

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

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1 PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR
2 IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST
3 FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE
4 NECESSARY. The term "employment" includes for the purposes of this
5 subdivision services constituting employment under any unemployment
6 compensation law of another state or the United States.

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

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

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