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2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

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 TWELVE, 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 THIRTEEN,  
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 FOURTEEN. IN EACH  
17    SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT  
18    OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO  
19    PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR  
20    IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST  
21    FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE  
22    NECESSARY. The term "employment" includes for the purposes of this  
23    subdivision services constituting employment under any unemployment  
24    compensation law of another state or the United States.

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

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

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

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