S T A T E O F N E W Y O R K

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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

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 expanding eligibility for unemployed workers who would benefit from retraining and increase funding for the provision of extended unemployment insurance benefits

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

Section 1. Section 599 of the labor law, as amended by chapter 593 of the laws of 1991, is amended to read as follows:

S 599. Career and related training; preservation of eligibility. 1. Notwithstanding any other provision of this article, a claimant shall not become ineligible for benefits because of the claimant's regular attendance in a program of training which the commissioner has approved. The commissioner shall give due consideration to existing and prospective conditions of the labor market in the state, taking into account present and anticipated supply and demand regarding the occupation or skill to which the training relates, and to any other relevant factor. A DETERMINATION OF POTENTIAL ELIGIBILITY FOR BENEFITS UNDER THIS ARTICLE SHALL BE ISSUED TO AN UNEMPLOYED INDIVIDUAL IF THE COMMISSIONER FINDS THAT THE TRAINING IS AUTHORIZED BY THE FEDERAL WORKFORCE INVESTMENT ACT, THE DEPARTMENT, THE DEPARTMENTS OF EDUCATION, CORRECTIONS AND COMMUNITY SUPERVISION, OR HEALTH, OR THE OFFICE OF MENTAL HEALTH, OR THE EMPIRE STATE DEVELOPMENT CORPORATION OR THE STATE UNIVERSITY OF NEW YORK EDUCATIONAL OPPORTUNITY CENTER. However, in no event shall the commissioner approve [such] training for a claimant NOT AUTHORIZED BY SUCH LEGISLATIVE ACT OR STATE OR QUASI-STATE ENTITY LISTED ABOVE unless:

(a) (1) the training will upgrade the claimant's existing skill or train the claimant for an occupation likely to lead to more regular long term employment; ENABLE CLAIMANT TO OBTAIN EMPLOYMENT THAT ACHIEVES WAGE PRESERVATION OR MAKES PROGRESS TOWARD A FAMILY-SUSTAINING WAGE; or

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

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(2) employment opportunities for the claimant are or may be substantially impaired because of:

(i) existing or prospective conditions of the labor market in the locality or in the state or reduced opportunities for employment in the claimant's occupation or skill; or

(ii) technological change, plant closing or plant removal, discontinuance of specific plant operations, or similar reasons; or

(iii) limited opportunities for employment throughout the year due to the seasonal nature of the industry in which the claimant is customarily employed; or

(iv) the claimant's personal traits such as physical or mental handicap; and

(b) the training, INCLUDING REMEDIAL EDUCATION WHICH IS INTEGRAL TO CAREER ADVANCEMENT OR REQUIRED FOR COMPLETING CAREER-RELATED TRAINING, relates to an occupation or skill for which there are, or are expected to be in the immediate future, reasonable employment opportunities in the state; and

(c) the training is offered by a competent and reliable agency and does not require more than twenty-four months to complete; and

(d) the claimant has the required qualifications and aptitudes to complete the training successfully.

2. (a) Notwithstanding any other provision of this chapter, a claimant attending an approved training course or program under this section may receive additional benefits of up to one hundred four effective days following exhaustion of regular and, if in effect, any other extended benefits, provided that entitlement to a new benefit claim cannot be established. Certification of continued satisfactory participation and progress in such training course or program must be submitted to the commissioner prior to the payment of any such benefits. [The duration of such additional benefits shall in no case exceed twice the number of effective days of regular benefits to which the claimant is entitled at the time the claimant is accepted in, or demonstrates application for appropriate training.] ANY UNEMPLOYED INDIVIDUAL RECEIVING UNEMPLOYMENT INSURANCE BENEFITS PAYABLE UNDER THIS SUBDIVISION, WHO NOTIFIES THE DEPARTMENT WITH THE INTENT TO SEEK TRAINING OPPORTUNITIES UNDER THIS ARTICLE NO LATER THAN THE SIXTEENTH WEEK OF HIS OR HER RECEIVING BENEFITS, AND IS DETERMINED ELIGIBLE FOR BENEFITS UNDER THIS ARTICLE, IS ENTITLED TO A TRAINING EXTENSION OF THE FULL ONE HUNDRED FOUR EFFECTIVE DAYS ON HIS OR HER UNEMPLOYMENT COMPENSATION CLAIM, IF NECESSARY, TO COMPLETE APPROVED TRAINING.

(b) No more than [twenty] FIFTY million dollars of benefits per year shall be made available for payment to claimants participating in such courses or programs.

(c) Participation in such training course or program shall not be limited to any selected areas or localities of the state but subject to the availability of funds, shall be available to any claimant otherwise eligible to participate in training courses or programs pursuant to this section.

(d) The additional benefits paid to a claimant shall be charged to the general account.

3. Notwithstanding any other provision of this article, a claimant who is in training approved under the federal trade act of nineteen hundred seventy-four shall not be disqualified or become ineligible for benefits because he is in such training or because he left employment which is not suitable employment to enter such training. For purposes hereof, "suitable employment" means work of a substantially equal or higher

skill level than the claimant's past adversely affected employment and for which the remuneration is not less than eighty percent of the claimant's average weekly wage.

S 2. This act shall take effect immediately.