

7278

2013-2014 Regular Sessions

I N A S S E M B L Y

May 9, 2013

Introduced by M. of A. MOYA -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to the calculation of weekly unemployment insurance benefits for workers who are partially unemployed; and to repeal certain provisions of the labor law relating thereto

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

1 Section 1. Section 522 of the labor law, as amended by chapter 720 of
2 the laws of 1953, is amended to read as follows:

3 S 522. Total unemployment AND PARTIAL UNEMPLOYMENT. "Total unemploy-
4 ment" means the total lack of any employment [on any day] DURING ANY
5 WEEK. "PARTIAL UNEMPLOYMENT" MEANS ANY EMPLOYMENT DURING ANY WEEK THAT
6 IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID IS
7 LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S PARTIAL
8 BENEFIT CREDIT. The term "employment" as used in this section means any
9 employment including that not defined in this title.

10 S 2. Section 523 of the labor law is REPEALED and a new section 523 is
11 added to read as follows:

12 S 523. EFFECTIVE WEEK. "EFFECTIVE WEEK" MEANS (A) A WEEK DURING WHICH
13 A CLAIMANT PERFORMS NO SERVICES FOR WHICH THE CLAIMANT IS PAID COMPEN-
14 SATION, OR (B) A WEEK DURING WHICH A CLAIMANT PERFORMS SERVICES ON A
15 PART-TIME BASIS FOR WHICH THE CLAIMANT IS PAID COMPENSATION THAT IS LESS
16 THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS HIS OR HER PARTIAL BENEFIT
17 CREDIT.

18 S 3. The labor law is amended by adding a new section 514-a to read as
19 follows:

20 S 514-A. PARTIAL BENEFIT CREDIT. "PARTIAL BENEFIT CREDIT" MEANS THAT
21 PART OF THE COMPENSATION, IF ANY, PAID TO A CLAIMANT WITH RESPECT TO A
22 WEEK FOR WHICH BENEFITS ARE CLAIMED UNDER THE PROVISIONS OF THIS CHAPTER
23 WHICH IS NOT IN EXCESS OF FORTY PER CENTUM OF THE INDIVIDUAL'S WEEKLY

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

LBD00708-02-3

1 BENEFIT RATE, OR SEVENTY-ONE DOLLARS AND FIFTY CENTS, WHICHEVER IS THE
2 GREATER. SUCH PARTIAL BENEFIT CREDIT, IF NOT A MULTIPLE OF ONE DOLLAR,
3 SHALL BE COMPUTED TO THE NEXT HIGHER MULTIPLE OF ONE DOLLAR.

4 S 4. Subdivision 4 of section 527 of the labor law, as amended by
5 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
6 laws of 1984, is amended to read as follows:

7 4. General condition. A valid original claim may be filed only in a
8 week [in which the claimant has at least one effective day of unemploy-
9 ment] THAT QUALIFIES AS AN EFFECTIVE WEEK OF UNEMPLOYMENT FOR THE CLAIM-
10 ANT.

11 S 5. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581
12 of the labor law, as amended by chapter 282 of the laws of 2002, clause
13 (v) as added by chapter 106 of the laws of 2007, is amended to read as
14 follows:

15 (2) Benefits payable to any claimant with respect to the claimant's
16 then current benefit year shall be charged, when paid, to the account of
17 the last employer prior to the filing of a valid original claim in an
18 amount equal to seven times the claimant's benefit rate. Thereafter,
19 such charges shall be made to the account of each employer in the base
20 period used to establish the valid original claim in the same proportion
21 that the remuneration paid by each employer to the claimant during that
22 base period bears to the remuneration paid by all employers to the
23 claimant during that base period except as provided below:

24 (i) In those instances where the claimant may not utilize wages paid
25 to establish entitlement based upon subdivision ten of section five
26 hundred ninety of this article and an educational institution is the
27 claimant's last employer prior to the filing of the claim for benefits,
28 or the claimant performed services in such educational institution in
29 such capacity while employed by an educational service agency which is
30 the claimant's last employer prior to the filing of the claim for bene-
31 fits, such employer shall not be liable for benefit charges for the
32 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits
33 paid as otherwise provided by this section. Under such circumstances,
34 benefits paid shall be charged to the general account. In addition,
35 wages paid during the base period by such educational institutions, or
36 for services in such educational institutions for claimants employed by
37 an educational service agency shall not be considered base period wages
38 during periods that such wages may not be used to gain entitlement to
39 benefits pursuant to subdivision ten of section five hundred ninety of
40 this article.

41 (ii) In those instances where the claimant may not utilize wages paid
42 to establish entitlement based upon subdivision eleven of section five
43 hundred ninety of this article and an educational institution is the
44 claimant's last employer prior to the filing of the claim for benefits,
45 or the claimant performed services in such educational institution in
46 such capacity while employed by an educational service agency which is
47 the claimant's last employer prior to the filing of the claim for bene-
48 fits, such employer shall not be liable for benefit charges for the
49 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits
50 paid as otherwise provided by this section. Under such circumstances,
51 benefits paid will be charged to the general account. In addition, wages
52 paid during the base period by such educational institutions, or for
53 services in such educational institutions for claimants employed by an
54 educational service agency shall not be considered base period wages
55 during periods that such wages may not be used to gain entitlement to
56 benefits pursuant to subdivision eleven of section five hundred ninety

1 of this article. However, in those instances where a claimant was not
2 afforded an opportunity to perform services for the educational institu-
3 tion for the next academic year or term after reasonable assurance was
4 provided, such employer shall be liable for benefit charges as provided
5 for in this paragraph for any retroactive payments made to the claimant.

6 (iii) In those instances where the federal government is the claim-
7 ant's last employer prior to the filing of the claim for benefits and
8 such employer is not a base-period employer, payments equaling the first
9 [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as
10 otherwise prescribed by this section shall be charged to the general
11 account. In those instances where the federal government is the claim-
12 ant's last employer prior to the filing of the claim for benefits and a
13 base-period employer, such employer shall be liable for charges for all
14 benefits paid on such claim in the same proportion that the remuneration
15 paid by such employer during the base period bears to the remuneration
16 paid by all employers during the base period. In addition, benefit
17 payment charges for the first [twenty-eight effective days] SEVEN EFFEC-
18 TIVE WEEKS of benefits other than those chargeable to the federal
19 government as prescribed above shall be made to the general account.

20 (iv) In those instances where a combined wage claim is filed pursuant
21 to interstate reciprocal agreements and the claimant's last employer
22 prior to the filing of the claim is an out-of-state employer and such
23 employer is not a base-period employer, benefit payments equaling the
24 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as
25 otherwise prescribed by this section shall be charged to the general
26 account. In those instances where the out-of-state employer is the last
27 employer prior to the filing of the claim for benefits and a base-period
28 employer such employer shall be liable for charges for all benefits paid
29 on such claim in the same proportion that the remuneration paid by such
30 employer during the base period bears to the remuneration paid by all
31 employers during the base period. In addition, benefit payment charges
32 for the [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits
33 other than those chargeable to the out-of-state employer as prescribed
34 above shall be made to the general account.

35 (v) In those instances where the last employer prior to the filing of
36 a valid original claim has paid total remuneration to the claimant
37 during the period from the start of the base period used to establish
38 the benefit claim until the date of the claimant's filing of the valid
39 original claim in an amount less than or equal to six times the claim-
40 ant's benefit rate and the last employer has substantiated such amount
41 to the satisfaction of the commissioner within ten days of the commis-
42 sioner's original notice of potential charges to such last employer's
43 account, benefits shall be charged as follows: benefits payable to the
44 claimant with respect to the claimant's then current benefit year shall
45 be charged, when paid, to the account of such last employer prior to the
46 filing of a valid original claim in an amount equal to the lowest whole
47 number (one, two, three, four, five, or six) times the claimant's bene-
48 fit rate where the product of such lowest whole number times the claim-
49 ant's benefit rate is equal to or greater than such total remuneration
50 paid by such last employer to the claimant. Thereafter, such charges
51 shall be made to the account of each employer in the base period used to
52 establish the valid original claim in the same proportion that the
53 remuneration paid by each employer to the claimant during that base
54 period bears to the remuneration paid by all employers to the claimant
55 during that base period. Notice of such recalculation of potential

1 charges shall be given to the last employer and each employer of the
2 claimant in the base period used to establish the valid original claim.

3 S 6. Subdivision 1 of section 590 of the labor law, as amended by
4 chapter 645 of the laws of 1951, is amended to read as follows:

5 1. Entitlement to benefits. A claimant shall be entitled to accumulate
6 effective [days] WEEKS for the purpose of benefit rights only if he OR
7 SHE has complied with the provisions of this article regarding the
8 filing of his OR HER claim, including the filing of a valid original
9 claim, registered as totally OR PARTIALLY unemployed, reported his OR
10 HER subsequent employment and unemployment, and reported for work or
11 otherwise given notice of the continuance of his OR HER unemployment.

12 S 7. Subdivision 3 of section 590 of the labor law, as amended by
13 chapter 645 of the laws of 1951, is amended to read as follows:

14 3. Compensable periods. Benefits shall be paid for each [accumulation
15 of] effective [days within a] week.

16 S 8. Subdivision 4 of section 590 of the labor law, as amended by
17 chapter 457 of the laws of 1987, is amended to read as follows:

18 4. Duration. Benefits shall not be paid for more than [one hundred and
19 four effective days] TWENTY-SIX EFFECTIVE WEEKS in any benefit year,
20 except as provided in section six hundred one and subdivision two of
21 section five hundred ninety-nine of this chapter.

22 S 9. Subdivision 5 of section 590 of the labor law, as amended by
23 chapter 413 of the laws of 2003, is amended to read as follows:

24 A claimant's weekly benefit amount shall be one twenty-sixth of the
25 remuneration paid during the highest calendar quarter of the base period
26 by employers, liable for contributions or payments in lieu of contribu-
27 tions under this article. However, for claimants whose high calendar
28 quarter remuneration during the base period is three thousand five
29 hundred seventy-five dollars or less, the benefit amount shall be one
30 twenty-fifth of the remuneration paid during the highest calendar quar-
31 ter of the base period by employers liable for contributions or payments
32 in lieu of contributions under this article. ANY CLAIMANT WHO IS
33 PARTIALLY UNEMPLOYED WITH RESPECT TO ANY EFFECTIVE WEEK SHALL BE PAID,
34 WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENEFIT AMOUNT EQUAL TO HIS OR
35 HER WEEKLY BENEFIT AMOUNT LESS THE TOTAL OF THE REMUNERATION, IF ANY,
36 PAID OR PAYABLE TO HIM OR HER WITH RESPECT TO SUCH WEEK FOR SERVICES
37 PERFORMED WHICH IS IN EXCESS OF HIS OR HER PARTIAL BENEFIT CREDIT. Any
38 claimant whose high calendar quarter remuneration during the base period
39 is more than three thousand five hundred seventy-five dollars shall not
40 have a weekly benefit amount less than one hundred forty-three dollars.
41 The weekly benefit amount, so computed, that is not a multiple of one
42 dollar shall be lowered to the next multiple of one dollar. On the first
43 Monday of September, nineteen hundred ninety-eight the weekly benefit
44 amount shall not exceed three hundred sixty-five dollars nor be less
45 than forty dollars, until the first Monday of September, two thousand,
46 at which time the maximum benefit payable pursuant to this subdivision
47 shall equal one-half of the state average weekly wage for covered
48 employment as calculated by the department no sooner than July first,
49 two thousand and no later than August first, two thousand, rounded down
50 to the lowest dollar.

51 S 9-a. Paragraph (a) of subdivision 5 of section 590 of the labor law,
52 as amended by section 8 of part 0 of chapter 57 of the laws of 2013, is
53 amended to read as follows:

54 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
55 the remuneration paid during the highest calendar quarter of the base
56 period by employers, liable for contributions or payments in lieu of

1 contributions under this article, provided the claimant has remuneration
2 paid in all four calendar quarters during his or her base period or
3 alternate base period. However, for any claimant who has remuneration
4 paid in all four calendar quarters during his or her base period or
5 alternate base period and whose high calendar quarter remuneration
6 during the base period is three thousand five hundred seventy-five
7 dollars or less, the benefit amount shall be one twenty-fifth of the
8 remuneration paid during the highest calendar quarter of the base period
9 by employers liable for contributions or payments in lieu of contribu-
10 tions under this article. A claimant's weekly benefit shall be one
11 twenty-sixth of the average remuneration paid in the two highest quar-
12 ters paid during the base period or alternate base period by employers
13 liable for contributions or payments in lieu of contributions under this
14 article when the claimant has remuneration paid in two or three calendar
15 quarters provided however, that a claimant whose high calendar quarter
16 is four thousand dollars or less but greater than three thousand five
17 hundred seventy-five dollars shall have a weekly benefit amount of one
18 twenty-sixth of such high calendar quarter. However, for any claimant
19 who has remuneration paid in two or three calendar quarters during his
20 or her base period or alternate base period and whose high calendar
21 quarter remuneration during the base period is three thousand five
22 hundred seventy-five dollars or less, the benefit amount shall be one
23 twenty-fifth of the remuneration paid during the highest calendar quar-
24 ter of the base period by employers liable for contributions or payments
25 in lieu of contributions under this article. ANY CLAIMANT WHO IS
26 PARTIALLY UNEMPLOYED WITH RESPECT TO ANY EFFECTIVE WEEK SHALL BE PAID,
27 WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENEFIT AMOUNT EQUAL TO HIS OR
28 HER WEEKLY BENEFIT AMOUNT LESS THE TOTAL OF THE REMUNERATION, IF ANY,
29 PAID OR PAYABLE TO HIM OR HER WITH RESPECT TO SUCH WEEK FOR SERVICES
30 PERFORMED WHICH IS IN EXCESS OF HIS OR HER PARTIAL BENEFIT CREDIT. Any
31 claimant whose high calendar quarter remuneration during the base period
32 is more than three thousand five hundred seventy-five dollars shall not
33 have a weekly benefit amount less than one hundred forty-three dollars.
34 The weekly benefit amount, so computed, that is not a multiple of one
35 dollar shall be lowered to the next multiple of one dollar. On the first
36 Monday of September, nineteen hundred ninety-eight the weekly benefit
37 amount shall not exceed three hundred sixty-five dollars nor be less
38 than forty dollars, until the first Monday of September, two thousand,
39 at which time the maximum benefit payable pursuant to this subdivision
40 shall equal one-half of the state average weekly wage for covered
41 employment as calculated by the department no sooner than July first,
42 two thousand and no later than August first, two thousand, rounded down
43 to the lowest dollar. On and after the first Monday of October, two
44 thousand fourteen, the weekly benefit shall not be less than one hundred
45 dollars, nor shall it exceed four hundred twenty dollars until the first
46 Monday of October, two thousand fifteen when the maximum benefit amount
47 shall be four hundred twenty-five dollars, until the first Monday of
48 October, two thousand sixteen when the maximum benefit amount shall be
49 four hundred thirty dollars, until the first Monday of October, two
50 thousand seventeen when the maximum benefit amount shall be four hundred
51 thirty-five dollars, until the first Monday of October, two thousand
52 eighteen when the maximum benefit amount shall be four hundred fifty
53 dollars, until the first Monday of October, two thousand nineteen when
54 the maximum benefit amount shall be thirty-six percent of the average
55 weekly wage until the first Monday of October, two thousand twenty when
56 the maximum benefit amount shall be thirty-eight percent of the average

1 weekly wage, until the first Monday of October two thousand twenty-one
2 when the maximum benefit amount shall be forty percent of the average
3 weekly wage, until the first Monday of October, two thousand twenty-two
4 when the maximum benefit amount shall be forty-two percent of the aver-
5 age weekly wage, until the first Monday of October, two thousand twen-
6 ty-three when the maximum benefit amount shall be forty-four percent of
7 the average weekly wage, until the first Monday of October, two thousand
8 twenty-four when the maximum benefit amount shall be forty-six percent
9 of the average weekly wage, until the first Monday of October, two thou-
10 sand twenty-five when the maximum benefit amount shall be forty-eight
11 percent of the average weekly wage, until the first Monday of October,
12 two thousand twenty-six and each year thereafter on the first Monday of
13 October when the maximum benefit amount shall be fifty percent of the
14 average weekly wage provided, however, that in no event shall the maxi-
15 mum benefit amount be reduced from the previous year.

16 S 10. Subdivision 6 of section 590 of the labor law, as added by chap-
17 ter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws
18 of 1977, is amended to read as follows:

19 6. Notification requirement. No effective [day] WEEK shall be counted
20 for any purposes except effective [days] WEEKS as to which notification
21 has been given in a manner prescribed by the commissioner.

22 S 11. Subdivision 7 of section 590 of the labor law, as amended by
23 chapter 415 of the laws of 1983, is amended to read as follows:

24 7. Waiting period. A claimant shall not be entitled to accumulate
25 effective [days] WEEKS for the purpose of benefit payments until he OR
26 SHE has accumulated a waiting period of [four effective days either
27 wholly within the week in which he established his valid original claim
28 or partly within such week and partly within his benefit year initiated
29 by such claim] ONE EFFECTIVE WEEK.

30 S 12. Subdivision 1 of section 591 of the labor law, as amended by
31 chapter 413 of the laws of 2003, is amended to read as follows:

32 1. Unemployment. Benefits, except as provided in section five hundred
33 ninety-one-a of this title, shall be paid only to a claimant who is
34 totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage
35 in his OR HER usual employment or in any other for which he OR SHE is
36 reasonably fitted by training and experience. A claimant who is receiv-
37 ing benefits under this article shall not be denied such benefits pursu-
38 ant to this subdivision or to subdivision two of this section because of
39 such claimant's service on a grand or petit jury of any state or of the
40 United States.

41 S 13. Subdivision 1 of section 591 of the labor law, as amended by
42 chapter 446 of the laws of 1981, is amended to read as follows:

43 1. Unemployment. Benefits shall be paid only to a claimant who is
44 totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage
45 in his OR HER usual employment or in any other for which he OR SHE is
46 reasonably fitted by training and experience. A claimant who is receiv-
47 ing benefits under this article shall not be denied such benefits pursu-
48 ant to this subdivision or to subdivision two of this section because of
49 such claimant's service on a grand or petit jury of any state or of the
50 United States.

51 S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section
52 591-a of the labor law, as amended by section 14 of part 0 of chapter 57
53 of the laws of 2013, is amended to read as follows:

54 (i) requirements relating to total unemployment AND PARTIAL UNEMPLOY-
55 MENT, as defined in section five hundred twenty-two of this article,
56 availability for work and search for work, as set forth in subdivision

1 two of section five hundred ninety-one of this title and refusal to
2 accept work, as set forth in subdivision two of section five hundred
3 ninety-three of this title, are not applicable to such individuals;

4 S 15. Subdivision 2 of section 592 of the labor law, as amended by
5 chapter 415 of the laws of 1983, is amended to read as follows:

6 2. Concurrent payments prohibited. No [days] WEEKS of total unemploy-
7 ment OR PARTIAL UNEMPLOYMENT shall be deemed to occur in any week with
8 respect to which [or a part of which] a claimant has received or is
9 seeking unemployment benefits under an unemployment compensation law of
10 any other state or of the United States, provided that this provision
11 shall not apply if the appropriate agency of such other state or of the
12 United States finally determines that he OR SHE is not entitled to such
13 unemployment benefits.

14 S 16. Paragraph (a) of subdivision 1 of section 593 of the labor law,
15 as amended by section 15 of part 0 of chapter 57 of the laws of 2013, is
16 amended to read as follows:

17 (a) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT
18 shall be deemed to occur after a claimant's voluntary separation without
19 good cause from employment until he or she has subsequently worked in
20 employment and earned remuneration at least equal to ten times his or
21 her weekly benefit rate. In addition to other circumstances that may be
22 found to constitute good cause, including a compelling family reason as
23 set forth in paragraph (b) of this subdivision, voluntary separation
24 from employment shall not in itself disqualify a claimant if circum-
25 stances have developed in the course of such employment that would have
26 justified the claimant in refusing such employment in the first instance
27 under the terms of subdivision two of this section or if the claimant,
28 pursuant to an option provided under a collective bargaining agreement
29 or written employer plan which permits waiver of his or her right to
30 retain the employment when there is a temporary layoff because of lack
31 of work, has elected to be separated for a temporary period and the
32 employer has consented thereto.

33 S 17. Subdivision 2 of section 593 of the labor law, as amended by
34 chapter 415 of the laws of 1983, the opening paragraph as amended by
35 section 15 of part 0 of chapter 57 of the laws of 2013, paragraph (a) as
36 added by chapter 589 of the laws of 1998, and paragraphs (d) and (e) as
37 amended by chapter 35 of the laws of 2009, is amended to read as
38 follows:

39 2. Refusal of employment. No [days] WEEKS of total unemployment OR
40 PARTIAL UNEMPLOYMENT shall be deemed to occur beginning with the [day
41 on] WEEK IN which a claimant, without good cause, refuses to accept an
42 offer of employment for which he or she is reasonably fitted by training
43 and experience, including employment not subject to this article, until
44 he or she has subsequently worked in employment and earned remuneration
45 at least equal to ten times his or her weekly benefit rate. Except that
46 claimants who are not subject to a recall date or who do not obtain
47 employment through a union hiring hall and who are still unemployed
48 after receiving ten weeks of benefits shall be required to accept any
49 employment proffered that such claimants are capable of performing,
50 provided that such employment would result in a wage not less than
51 eighty percent of such claimant's high calendar quarter wages received
52 in the base period and not substantially less than the prevailing wage
53 for similar work in the locality as provided for in paragraph (d) of
54 this subdivision. No refusal to accept employment shall be deemed with-
55 out good cause nor shall it disqualify any claimant otherwise eligible
56 to receive benefits if:

1 (a) a refusal to accept employment which would interfere with a claim-
2 ant's right to join or retain membership in any labor organization or
3 otherwise interfere with or violate the terms of a collective bargaining
4 agreement shall be with good cause;

5 (b) there is a strike, lockout, or other industrial controversy in the
6 establishment in which the employment is offered; or

7 (c) the employment is at an unreasonable distance from his OR HER
8 residence, or travel to and from the place of employment involves
9 expense substantially greater than that required in his OR HER former
10 employment unless the expense be provided for; or

11 (d) the wages or compensation or hours or conditions offered are
12 substantially less favorable to the claimant than those prevailing for
13 similar work in the locality, or are such as tend to depress wages or
14 working conditions; or

15 (e) the claimant is seeking part-time work as provided in subdivision
16 five of section five hundred ninety-six of this title and the offer of
17 employment is not comparable to his or her part-time work as defined in
18 such subdivision.

19 S 18. Subdivision 3 of section 593 of the labor law, as amended by
20 section 15 of part 0 of chapter 57 of the laws of 2013, is amended to
21 read as follows:

22 3. Misconduct. No [days] WEEKS of total unemployment OR PARTIAL UNEM-
23 PLOYMENT shall be deemed to occur after a claimant lost employment
24 through misconduct in connection with his or her employment until he or
25 she has subsequently worked in employment and earned remuneration at
26 least equal to ten times his or her weekly benefit rate.

27 S 19. Subdivision 4 of section 593 of the labor law, as amended by
28 chapter 589 of the laws of 1998, is amended to read as follows:

29 4. Criminal acts. No [days] WEEKS of total unemployment OR PARTIAL
30 UNEMPLOYMENT shall be deemed to occur during a period of twelve months
31 after a claimant loses employment as a result of an act constituting a
32 felony in connection with such employment, provided the claimant is duly
33 convicted thereof or has signed a statement admitting that he or she has
34 committed such an act. Determinations regarding a benefit claim may be
35 reviewed at any time. Any benefits paid to a claimant prior to a deter-
36 mination that the claimant has lost employment as a result of such act
37 shall not be considered to have been accepted by the claimant in good
38 faith. In addition, remuneration paid to the claimant by the affected
39 employer prior to the claimant's loss of employment due to such criminal
40 act may not be utilized for the purpose of establishing entitlement to a
41 subsequent, valid original claim. The provisions of this subdivision
42 shall apply even if the employment lost as a result of such act is not
43 the claimant's last employment prior to the filing of his or her claim.

44 S 20. Section 594 of the labor law, as amended by section 16 of part 0
45 of chapter 57 of the laws of 2013, is amended to read as follows:

46 S 594. Reduction and recovery of benefits and penalties for wilful
47 false statement. (1) A claimant who has wilfully made a false statement
48 or representation to obtain any benefit under the provisions of this
49 article shall forfeit benefits for at least the first [four] ONE but not
50 more than the first [eighty] TWENTY effective [days] WEEKS following
51 discovery of such offense for which he or she otherwise would have been
52 entitled to receive benefits. Such penalty shall apply only once with
53 respect to each such offense.

54 (2) For the purpose of subdivision four of section five hundred ninety
55 of this [article] TITLE, the claimant shall be deemed to have received
56 benefits for such forfeited effective [days] WEEKS.

1 (3) The penalty provided in this section shall not be confined to a
2 single benefit year but shall no longer apply in whole or in part after
3 the expiration of two years from the date of the final determination.
4 Such two-year period shall be tolled during the time period a claimant
5 has an appeal pending.

6 (4) A claimant shall refund all moneys received because of such false
7 statement or representation and pay a civil penalty in an amount equal
8 to the greater of one hundred dollars or fifteen percent of the total
9 overpaid benefits determined pursuant to this section. The penalties
10 collected hereunder shall be deposited in the fund. The penalties
11 assessed under this subdivision shall apply and be assessed for any
12 benefits paid under federal unemployment and extended unemployment
13 programs administered by the department in the same manner as provided
14 in this article. The penalties in this section shall be in addition to
15 any penalties imposed under this chapter or any state or federal crimi-
16 nal statute. No penalties or interest assessed pursuant to this section
17 may be deducted or withheld from benefits.

18 (5) (a) Upon a determination based upon a willful false statement or
19 representation becoming final through exhaustion of appeal rights or
20 failure to exhaust hearing rights, the commissioner may recover the
21 amount found to be due by commencing a civil action, or by filing with
22 the county clerk of the county where the claimant resides the final
23 determination of the commissioner or the final decision by an adminis-
24 trative law judge, the appeal board, or a court containing the amount
25 found to be due including interest and civil penalty. The commissioner
26 may only make such a filing with the county clerk when:

27 (i) The claimant has responded to requests for information prior to a
28 determination and such requests for information notified the claimant of
29 his or her rights to a fair hearing as well as the potential conse-
30 quences of an investigation and final determination under this section
31 including the notice required by subparagraph (iii) of paragraph (b) of
32 this subdivision. Additionally if the claimant requested a fair hearing
33 or appeal subsequent to a determination, that the claimant was present
34 either in person or through electronic means at such hearing, or subse-
35 quent appeal from which a final determination was rendered;

36 (ii) The commissioner has made efforts to collect on such final deter-
37 mination; and

38 (iii) The commissioner has sent a notice, in accordance with paragraph
39 (b) of this subdivision, of intent to docket such final determination by
40 first class or certified mail, return receipt requested, ten days prior
41 to the docketing of such determination.

42 (b) The notice required in subparagraph (iii) of paragraph (a) of this
43 subdivision shall include the following:

44 (i) That the commissioner intends to docket a final determination
45 against such claimant as a judgment;

46 (ii) The total amount to be docketed; and

47 (iii) Conspicuous language that reads as follows: "Once entered, a
48 judgment is good and can be used against you for twenty years, and your
49 money, including a portion of your paycheck and/or bank account, may be
50 taken. Also, a judgment will hurt your credit score and can affect your
51 ability to rent a home, find a job, or take out a loan."

52 S 21. Subdivision 1 of section 596 of the labor law, as amended by
53 chapter 204 of the laws of 1982, is amended to read as follows:

54 1. Claim filing and certification to unemployment. A claimant shall
55 file a claim for benefits at the local state employment office serving
56 the area in which he OR SHE was last employed or in which he OR SHE

1 resides within such time and in such manner as the commissioner shall
2 prescribe. He OR SHE shall disclose whether he OR SHE owes child support
3 obligations, as hereafter defined. If a claimant making such disclosure
4 is eligible for benefits, the commissioner shall notify the state or
5 local child support enforcement agency, as hereafter defined, that the
6 claimant is eligible.

7 A claimant shall correctly report any [days] WEEKS of employment and
8 any compensation he OR SHE received for such employment, including
9 employments not subject to this article, and the [days on] WEEKS DURING
10 which he OR SHE was totally unemployed OR PARTIALLY UNEMPLOYED and shall
11 make such reports in accordance with such regulations as the commission-
12 er shall prescribe.

13 S 22. Subdivision 4 of section 596 of the labor law, as added by chap-
14 ter 705 of the laws of 1944 and as renumbered by section 148-a of part B
15 of chapter 436 of the laws of 1997, is amended to read as follows:

16 4. Registration and reporting for work. A claimant shall register as
17 totally unemployed OR PARTIALLY UNEMPLOYED at a local state employment
18 office serving the area in which he OR SHE was last employed or in which
19 he OR SHE resides in accordance with such regulations as the commission-
20 er shall prescribe. After so registering, such claimant shall report for
21 work at the same local state employment office or otherwise give notice
22 of the continuance of his OR HER unemployment as often and in such
23 manner as the commissioner shall prescribe.

24 S 23. Paragraph (a) of subdivision 2 of section 599 of the labor law,
25 as amended by chapter 593 of the laws of 1991, is amended to read as
26 follows:

27 (a) Notwithstanding any other provision of this chapter, a claimant
28 attending an approved training course or program under this section may
29 receive additional benefits of up to [one hundred four] TWENTY-SIX
30 effective [days] WEEKS following exhaustion of regular and, if in
31 effect, any other extended benefits, provided that entitlement to a new
32 benefit claim cannot be established. Certification of continued satis-
33 factory participation and progress in such training course or program
34 must be submitted to the commissioner prior to the payment of any such
35 benefits. The duration of such additional benefits shall in no case
36 exceed twice the number of effective [days] WEEKS of regular benefits to
37 which the claimant is entitled at the time the claimant is accepted in,
38 or demonstrates application for appropriate training.

39 S 24. Intentionally omitted.

40 S 25. The opening paragraph and paragraph (e) of subdivision 2 of
41 section 601 of the labor law, as amended by chapter 35 of the laws of
42 2009, is amended to read as follows:

43 Eligibility conditions. Extended benefits shall be payable to a claim-
44 ant for effective [days] WEEKS occurring [in any week] within an eligi-
45 bility period, provided the claimant

46 (e) is not claiming benefits pursuant to an interstate claim filed
47 under the interstate benefit payment plan in a state where an extended
48 benefit period is not in effect, except that this condition shall not
49 apply with respect to the first [eight] TWO effective [days] WEEKS for
50 which extended benefits shall otherwise be payable pursuant to an inter-
51 state claim filed under the interstate benefit payment plan; and

52 S 26. Subdivision 3 of section 601 of the labor law, as amended by
53 chapter 35 of the laws of 2009, is amended to read as follows:

54 3. Extended benefit amounts; rate and duration. Extended benefits
55 shall be paid to a claimant

1 (a) at a rate equal to his or her rate for regular benefits during his
2 or her applicable benefit year but

3 (b) for not more than [fifty-two] THIRTEEN effective [days] WEEKS with
4 respect to his or her applicable benefit year, with a total maximum
5 amount equal to fifty percentum of the total maximum amount of regular
6 benefits payable in such benefit year, and

7 (c) if a claimant's benefit year ends within an extended benefit peri-
8 od, the remaining balance of extended benefits to which he or she would
9 be entitled, if any, shall be reduced by the number of effective [days]
10 WEEKS for which he or she was entitled to receive trade readjustment
11 allowances under the federal trade act of nineteen hundred seventy-four
12 during such benefit year, and

13 (d) for periods of high unemployment for not more than eighty effec-
14 tive days with respect to the applicable benefit year with a total maxi-
15 mum amount equal to eighty percent of the total maximum amount of regu-
16 lar benefits payable in such benefit year.

17 S 27. Subdivision 4 of section 601 of the labor law, as amended by
18 chapter 35 of the laws of 2009, is amended to read as follows:

19 4. Charging of extended benefits. The provisions of paragraph (e) of
20 subdivision one of section five hundred eighty-one of this article shall
21 apply to benefits paid pursuant to the provisions of this section, and
22 if they were paid for effective [days occurring in] weeks following the
23 end of a benefit year, they shall be deemed paid with respect to that
24 benefit year. However, except for governmental entities as defined in
25 section five hundred sixty-five and Indian tribes as defined in section
26 five hundred sixty-six of this article, only one-half of the amount of
27 such benefits shall be debited to the employers' account; the remainder
28 thereof shall be debited to the general account, and such account shall
29 be credited with the amount of payments received in the fund pursuant to
30 the provisions of the federal-state extended unemployment compensation
31 act. Notwithstanding the foregoing, where the state has entered an
32 extended benefit period triggered pursuant to subparagraph one of para-
33 graph (a) of subdivision one of this section for which federal law
34 provides for one hundred percent federal sharing of the costs of bene-
35 fits, all charges shall be debited to the general account and such
36 account shall be credited with the amount of payments received in the
37 fund pursuant to the provisions of the federal-state extended unemploy-
38 ment compensation act or other federal law providing for one hundred
39 percent federal sharing for the cost of such benefits.

40 S 28. Paragraph (b) of subdivision 5 of section 601 of the labor law,
41 as amended by chapter 35 of the laws of 2009, is amended to read as
42 follows:

43 (b) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT
44 shall be deemed to occur [in any week] within an eligibility period
45 during which a claimant fails to accept any offer of suitable work or
46 fails to apply for suitable work to which he or she was referred by the
47 commissioner, who shall make such referral if such work is available, or
48 during which he or she fails to engage actively in seeking work by
49 making a systematic and sustained effort to obtain work and providing
50 tangible evidence of such effort, and until he or she has worked in
51 employment during at least four subsequent weeks and earned remuneration
52 of at least four times his or her benefit rate.

53 S 29. Paragraph (e) of subdivision 5 of section 601 of the labor law,
54 as amended by chapter 35 of the laws of 2009, is amended to read as
55 follows:

1 (e) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT
2 shall be deemed to occur [in any week] within an eligibility period
3 under section five hundred ninety-three of this [article] TITLE, until
4 he or she has subsequently worked in employment in accordance with the
5 requirements set forth in section five hundred ninety-three of this
6 [article] TITLE.

7 S 30. Section 603 of the labor law, as amended by section 21 of part O
8 of chapter 57 of the laws of 2013, is amended to read as follows:

9 S 603. Definitions. For purposes of this title: "Total unemployment"
10 shall mean the total lack of any employment [on any day] DURING ANY WEEK
11 AND "PARTIAL UNEMPLOYMENT" SHALL MEAN ANY EMPLOYMENT DURING ANY WEEK
12 THAT IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID
13 IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S
14 PARTIAL BENEFIT CREDIT, other than with an employer applying for a
15 shared work program. "Work force" shall mean the total work force, a
16 clearly identifiable unit or units thereof, or a particular shift or
17 shifts. The work force subject to reduction shall consist of no less
18 than two employees.

19 S 31. This act shall take effect immediately; provided, however, that
20 the amendments to paragraph (a) of subdivision 5 of section 590 of the
21 labor law, as amended by section nine-a of this act shall take effect at
22 the same time and in the same manner as section 8 of part O of chapter
23 57 of the laws of 2013, takes effect; provided, further, that the amend-
24 ments to subdivision 1 of section 591 of the labor law made by section
25 twelve of this act shall be subject to the expiration and reversion of
26 such subdivision pursuant to section 10 of chapter 413 of the laws of
27 2003, as amended, when upon such date the provisions of section thirteen
28 of this act shall take effect; provided, further, however, that the
29 amendment to section 591-a of the labor law made by section fourteen of
30 this act shall not affect the repeal of such section and shall be deemed
31 repealed therewith.