

STATE OF NEW YORK

1325

2017-2018 Regular Sessions

IN ASSEMBLY

January 11, 2017

Introduced by M. of A. SIMANOWITZ -- Multi-Sponsored by -- M. of A. HOOPER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to unemployment benefits for part-time workers; 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 § 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. The term "employment" as
8 used in this section means any employment including that not defined in
9 this title.

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 Section 523 of the labor law is REPEALED and a new section 523 is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

12 § 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.

17 § 3. Subdivision 4 of section 527 of the labor law, as amended by
18 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
19 laws of 1984, is amended to read as follows:

20 4. General condition. A valid original claim may be filed only in a
21 week [~~in which the claimant has at least one effective day of unemploy-~~
22 ~~ment~~] that qualifies as an effective week of unemployment for the claim-
23 ant.

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

LBD03460-01-7

§ 4. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by chapter 282 of the laws of 2002 and clause (v) as added by chapter 106 of the laws of 2007, is amended to read as follows:

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

(i) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision ten of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges for the first ~~[twenty-eight effective days]~~ seven effective weeks of benefits paid as otherwise provided by this section. Under such circumstances, benefits paid shall be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision ten of section five hundred ninety of this article.

(ii) In those instances where the claimant may not utilize wages paid to establish entitlement based upon subdivision eleven of section five hundred ninety of this article and an educational institution is the claimant's last employer prior to the filing of the claim for benefits, or the claimant performed services in such educational institution in such capacity while employed by an educational service agency which is the claimant's last employer prior to the filing of the claim for benefits, such employer shall not be liable for benefit charges for the first ~~[twenty-eight effective days]~~ seven effective weeks of benefits paid as otherwise provided by this section. Under such circumstances, benefits paid will be charged to the general account. In addition, wages paid during the base period by such educational institutions, or for services in such educational institutions for claimants employed by an educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision eleven of section five hundred ninety of this article. However, in those instances where a claimant was not afforded an opportunity to perform services for the educational institution for the next academic year or term after reasonable assurance was provided, such employer shall be liable for benefit charges as provided for in this paragraph for any retroactive payments made to the claimant.

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments equaling the first ~~[twenty-eight effective days]~~ seven effective weeks of benefits as otherwise prescribed by this section shall be charged to the general

1 account. In those instances where the federal government is the claim-
2 ant's last employer prior to the filing of the claim for benefits and a
3 base-period employer, such employer shall be liable for charges for all
4 benefits paid on such claim in the same proportion that the remuneration
5 paid by such employer during the base period bears to the remuneration
6 paid by all employers during the base period. In addition, benefit
7 payment charges for the first [~~twenty-eight effective days~~] seven effec-
8 tive weeks of benefits other than those chargeable to the federal
9 government as prescribed above shall be made to the general account.

10 (iv) In those instances where a combined wage claim is filed pursuant
11 to interstate reciprocal agreements and the claimant's last employer
12 prior to the filing of the claim is an out-of-state employer and such
13 employer is not a base-period employer, benefit payments equaling the
14 first [~~twenty-eight effective days~~] seven effective weeks of benefits as
15 otherwise prescribed by this section shall be charged to the general
16 account. In those instances where the out-of-state employer is the last
17 employer prior to the filing of the claim for benefits and a base-period
18 employer such employer shall be liable for charges for all benefits paid
19 on such claim in the same proportion that the remuneration paid by such
20 employer during the base period bears to the remuneration paid by all
21 employers during the base period. In addition, benefit payment charges
22 for the [~~twenty-eight effective days~~] seven effective weeks of benefits
23 other than those chargeable to the out-of-state employer as prescribed
24 above shall be made to the general account.

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

48 § 5. Subdivisions 1, 3, 4, paragraph (a) of subdivision 5 and subdivi-
49 sions 6 and 7 of section 590 of the labor law, subdivisions 1 and 3 as
50 amended by chapter 645 of the laws of 1951, subdivision 4 as amended by
51 chapter 457 of the laws of 1987, paragraph (a) of subdivision 5 as
52 amended by section 8 of part 0 of chapter 57 of the laws of 2013, subdivi-
53 sion 6 as added by chapter 720 of the laws of 1953 and as renumbered
54 by chapter 675 of the laws of 1977 and subdivision 7 as amended by chap-
55 ter 415 of the laws of 1983, are amended to read as follows:

1 1. Entitlement to benefits. A claimant shall be entitled to accumulate
2 effective ~~[days]~~ weeks for the purpose of benefit rights only if he has
3 complied with the provisions of this article regarding the filing of his
4 claim, including the filing of a valid original claim, registered as
5 totally or partially unemployed, reported his subsequent employment and
6 unemployment, and reported for work or otherwise given notice of the
7 continuance of his unemployment.

8 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~
9 ~~of~~] effective ~~[days within a]~~ week.

10 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~
11 ~~four effective days]~~ twenty-six effective weeks in any benefit year,
12 except as provided in section six hundred one and subdivision two of
13 section five hundred ninety-nine of this chapter.

14 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
15 the remuneration paid during the highest calendar quarter of the base
16 period by employers, liable for contributions or payments in lieu of
17 contributions under this article, provided the claimant has remuneration
18 paid in all four calendar quarters during his or her base period or
19 alternate base period. However, for any claimant who has remuneration
20 paid in all four calendar quarters during his or her base period or
21 alternate base period and whose high calendar quarter remuneration
22 during the base period is three thousand five hundred seventy-five
23 dollars or less, the benefit amount shall be one twenty-fifth of the
24 remuneration paid during the highest calendar quarter of the base period
25 by employers liable for contributions or payments in lieu of contribu-
26 tions under this article. A claimant's weekly benefit shall be one
27 twenty-sixth of the average remuneration paid in the two highest quar-
28 ters paid during the base period or alternate base period by employers
29 liable for contributions or payments in lieu of contributions under this
30 article when the claimant has remuneration paid in two or three calendar
31 quarters provided however, that a claimant whose high calendar quarter
32 is four thousand dollars or less but greater than three thousand five
33 hundred seventy-five dollars shall have a weekly benefit amount of one
34 twenty-sixth of such high calendar quarter. Any claimant who is partial-

35 ly unemployed with respect to any effective week shall be paid, with
36 respect to such effective week, a benefit amount equal to his or her
37 weekly benefit amount less the total of the remuneration, if any, paid
38 or payable to him or her with respect to such week for services
39 performed. However, for any claimant who has remuneration paid in two or

40 three calendar quarters during his or her base period or alternate base
41 period and whose high calendar quarter remuneration during the base
42 period is three thousand five hundred seventy-five dollars or less, the
43 benefit amount shall be one twenty-fifth of the remuneration paid during
44 the highest calendar quarter of the base period by employers liable for
45 contributions or payments in lieu of contributions under this article.
46 Any claimant whose high calendar quarter remuneration during the base
47 period is more than three thousand five hundred seventy-five dollars
48 shall not have a weekly benefit amount less than one hundred forty-three
49 dollars. The weekly benefit amount, so computed, that is not a multiple
50 of one dollar shall be lowered to the next multiple of one dollar. On
51 the first Monday of September, nineteen hundred ninety-eight the weekly
52 benefit amount shall not exceed three hundred sixty-five dollars nor be
53 less than forty dollars, until the first Monday of September, two thou-
54 sand, at which time the maximum benefit payable pursuant to this subdi-
55 vision shall equal one-half of the state average weekly wage for covered
56 employment as calculated by the department no sooner than July first,

1 two thousand and no later than August first, two thousand, rounded down
2 to the lowest dollar. On and after the first Monday of October, two
3 thousand fourteen, the weekly benefit shall not be less than one hundred
4 dollars, nor shall it exceed four hundred twenty dollars until the first
5 Monday of October, two thousand fifteen when the maximum benefit amount
6 shall be four hundred twenty-five dollars, until the first Monday of
7 October, two thousand sixteen when the maximum benefit amount shall be
8 four hundred thirty dollars, until the first Monday of October, two
9 thousand seventeen when the maximum benefit amount shall be four hundred
10 thirty-five dollars, until the first Monday of October, two thousand
11 eighteen when the maximum benefit amount shall be four hundred fifty
12 dollars, until the first Monday of October, two thousand nineteen when
13 the maximum benefit amount shall be thirty-six percent of the average
14 weekly wage until the first Monday of October, two thousand twenty when
15 the maximum benefit amount shall be thirty-eight percent of the average
16 weekly wage, until the first Monday of October, two thousand twenty-one
17 when the maximum benefit amount shall be forty percent of the average
18 weekly wage, until the first Monday of October, two thousand twenty-two
19 when the maximum benefit amount shall be forty-two percent of the aver-
20 age weekly wage, until the first Monday of October, two thousand twen-
21 ty-three when the maximum benefit amount shall be forty-four percent of
22 the average weekly wage, until the first Monday of October, two thousand
23 twenty-four when the maximum benefit amount shall be forty-six percent
24 of the average weekly wage, until the first Monday of October, two thou-
25 sand twenty-five when the maximum benefit amount shall be forty-eight
26 percent of the average weekly wage, until the first Monday of October,
27 two thousand twenty-six and each year thereafter on the first Monday of
28 October when the maximum benefit amount shall be fifty percent of the
29 average weekly wage provided, however, that in no event shall the maxi-
30 mum benefit amount be reduced from the previous year.

31 6. Notification requirement. No effective [day] week shall be counted
32 for any purposes except effective [days] weeks as to which notification
33 has been given in a manner prescribed by the commissioner.

34 7. Waiting period. A claimant shall not be entitled to accumulate
35 effective [days] weeks for the purpose of benefit payments until he has
36 accumulated a waiting period of [~~four effective days either wholly with-~~
37 ~~in the week in which he established his valid original claim or partly~~
38 ~~within such week and partly within his benefit year initiated by such~~
39 ~~claim~~] one effective week.

40 § 6. Subdivision 1 of section 591 of the labor law, as amended by
41 chapter 413 of the laws of 2003, is amended to read as follows:

42 1. Unemployment. Benefits, except as provided in section five hundred
43 ninety-one-a of this title, shall be paid only to a claimant who is
44 totally unemployed or partially unemployed and who is unable to engage
45 in his usual employment or in any other for which he is reasonably
46 fitted by training and experience. A claimant who is receiving benefits
47 under this article shall not be denied such benefits pursuant to this
48 subdivision or to subdivision two of this section because of such claim-
49 ant's service on a grand or petit jury of any state or of the United
50 States.

51 § 7. Subdivision 1 of section 591 of the labor law, as amended by
52 chapter 446 of the laws of 1981, is amended to read as follows:

53 1. Unemployment. Benefits shall be paid only to a claimant who is
54 totally unemployed or partially unemployed and who is unable to engage
55 in his usual employment or in any other for which he is reasonably
56 fitted by training and experience. A claimant who is receiving benefits

1 under this article shall not be denied such benefits pursuant to this
2 subdivision or to subdivision two of this section because of such claim-
3 ant's service on a grand or petit jury of any state or of the United
4 States.

5 § 8. Subparagraph (i) of paragraph (b) of subdivision 2 of section
6 591-a of the labor law, as amended by section 14 of part 0 of chapter 57
7 of the laws of 2013, is amended to read as follows:

8 (i) requirements relating to total unemployment and partial unemploy-
9 ment, as defined in section five hundred twenty-two of this article,
10 availability for work and search for work, as set forth in subdivision
11 two of section five hundred ninety-one of this title and refusal to
12 accept work, as set forth in subdivision two of section five hundred
13 ninety-three of this title, are not applicable to such individuals;

14 § 9. Subdivision 2 of section 592 of the labor law, as amended by
15 chapter 415 of the laws of 1983, is amended to read as follows:

16 2. Concurrent payments prohibited. No [~~days~~] weeks of total unemploy-
17 ment or partial unemployment shall be deemed to occur in any week with
18 respect to which [~~or a part of which~~] a claimant has received or is
19 seeking unemployment benefits under an unemployment compensation law of
20 any other state or of the United States, provided that this provision
21 shall not apply if the appropriate agency of such other state or of the
22 United States finally determines that he is not entitled to such unem-
23 ployment benefits.

24 § 10. Paragraph (a) of subdivision 1 of section 593 of the labor law,
25 as amended by section 15 of part 0 of chapter 57 of the laws of 2013, is
26 amended to read as follows:

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

43 § 11. The opening paragraph and paragraph (a) of subdivision 2 of
44 section 593 of the labor law, the opening paragraph as amended by
45 section 15 of part 0 of chapter 57 of the laws of 2013, paragraph (a) as
46 added by chapter 589 of the laws of 1998, is amended to read as follows:

47 No [~~days~~] weeks of total unemployment or partial unemployment shall be
48 deemed to occur beginning with the [~~day-on~~] week in which a claimant,
49 without good cause, refuses to accept an offer of employment for which
50 he or she is reasonably fitted by training and experience, including
51 employment not subject to this article, until he or she has subsequently
52 worked in employment and earned remuneration at least equal to ten times
53 his or her weekly benefit rate. Except that claimants who are not
54 subject to a recall date or who do not obtain employment through a union
55 hiring hall and who are still unemployed after receiving ten weeks of
56 benefits shall be required to accept any employment proffered that such

claimants are capable of performing, provided that such employment would result in a wage not less than eighty percent of such claimant's high calendar quarter wages received in the base period and not substantially less than the prevailing wage for similar work in the locality as provided for in paragraph (d) of this subdivision. No refusal to accept employment shall be deemed without good cause nor shall it disqualify any claimant otherwise eligible to receive benefits if:

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

§ 12. Subdivisions 3 and 4 of section 593 of the labor law, subdivision 3 as amended by section 15 of part 0 of chapter 57 of the laws of 2013, subdivision 4 as amended by chapter 589 of the laws of 1998, are amended to read as follows:

3. Misconduct. No ~~[days]~~ weeks of total unemployment or partial unemployment shall be deemed to occur after a claimant lost employment through misconduct in connection with his or her employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate.

4. Criminal acts. No ~~[days]~~ weeks of total unemployment or partial unemployment shall be deemed to occur during a period of twelve months after a claimant loses employment as a result of an act constituting a felony in connection with such employment, provided the claimant is duly convicted thereof or has signed a statement admitting that he or she has committed such an act. Determinations regarding a benefit claim may be reviewed at any time. Any benefits paid to a claimant prior to a determination that the claimant has lost employment as a result of such act shall not be considered to have been accepted by the claimant in good faith. In addition, remuneration paid to the claimant by the affected employer prior to the claimant's loss of employment due to such criminal act may not be utilized for the purpose of establishing entitlement to a subsequent, valid original claim. The provisions of this subdivision shall apply even if the employment lost as a result of such act is not the claimant's last employment prior to the filing of his or her claim.

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

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

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

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

(4) A claimant shall refund all moneys received because of such false statement or representation and pay a civil penalty in an amount equal to the greater of one hundred dollars or fifteen percent of the total

overpaid benefits determined pursuant to this section. The penalties collected hereunder shall be deposited in the fund. The penalties assessed under this subdivision shall apply and be assessed for any benefits paid under federal unemployment and extended unemployment programs administered by the department in the same manner as provided in this article. The penalties in this section shall be in addition to any penalties imposed under this chapter or any state or federal criminal statute. No penalties or interest assessed pursuant to this section may be deducted or withheld from benefits.

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

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

(ii) The commissioner has made efforts to collect on such final determination; and

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

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

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

(ii) The total amount to be docketed; and

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

§ 14. Subdivisions 1 and 4 of section 596 of the labor law, subdivision 1 as amended by chapter 204 of the laws of 1982 and subdivision 4 as added by chapter 705 of the laws of 1944, such section as renumbered by chapter 663 of the laws of 1946, and subdivision 4 as renumbered by section 148-a of part B of chapter 436 of the laws of 1997, are amended to read as follows:

1. Claim filing and certification to unemployment. A claimant shall file a claim for benefits at the local state employment office serving the area in which he was last employed or in which he resides within such time and in such manner as the commissioner shall prescribe. He shall disclose whether he owes child support obligations, as hereafter defined. If a claimant making such disclosure is eligible for benefits,

1 the commissioner shall notify the state or local child support enforce-
2 ment agency, as hereafter defined, that the claimant is eligible.

3 A claimant shall correctly report any [~~days~~] weeks of employment and
4 any compensation he received for such employment, including employments
5 not subject to this article, and the [~~days-on~~] weeks during which he was
6 totally unemployed or partially unemployed and shall make such reports
7 in accordance with such regulations as the commissioner shall prescribe.

8 4. Registration and reporting for work. A claimant shall register as
9 totally unemployed or partially unemployed at a local state employment
10 office serving the area in which he was last employed or in which he
11 resides in accordance with such regulations as the commissioner shall
12 prescribe. After so registering, such claimant shall report for work at
13 the same local state employment office or otherwise give notice of the
14 continuance of his unemployment as often and in such manner as the
15 commissioner shall prescribe.

16 § 15. Paragraph (a) of subdivision 2 of section 599 of the labor law,
17 as amended by chapter 593 of the laws of 1991, is amended to read as
18 follows:

19 (a) Notwithstanding any other provision of this chapter, a claimant
20 attending an approved training course or program under this section may
21 receive additional benefits of up to [~~one hundred four~~] twenty-six
22 effective [~~days~~] weeks following exhaustion of regular and, if in
23 effect, any other extended benefits, provided that entitlement to a new
24 benefit claim cannot be established. Certification of continued satis-
25 factory participation and progress in such training course or program
26 must be submitted to the commissioner prior to the payment of any such
27 benefits. The duration of such additional benefits shall in no case
28 exceed twice the number of effective [~~days~~] weeks of regular benefits to
29 which the claimant is entitled at the time the claimant is accepted in,
30 or demonstrates application for appropriate training.

31 § 16. Subdivisions 2, 3 and 4 of section 601 of the labor law, as
32 amended by chapter 35 of the laws of 2009, paragraph (d) of subdivision
33 2 as amended by section 3 of part Z of chapter 57 of the laws of 2013,
34 are amended to read as follows:

35 2. Eligibility conditions. Extended benefits shall be payable to a
36 claimant for effective [~~days~~] weeks occurring [~~in any week~~] within an
37 eligibility period, provided the claimant

38 (a) has exhausted his or her rights to regular benefits under this
39 article in his or her current benefit year or, his or her benefit year
40 having expired prior to such week, he or she does not have the required
41 weeks of employment or earnings to establish a new benefit year, and he
42 or she has no rights to benefits under the unemployment insurance law of
43 any other state;

44 (b) has no rights to unemployment benefits or allowances under the
45 railroad unemployment insurance act, the trade expansion act of nineteen
46 hundred sixty-two, the automotive products trade act of nineteen hundred
47 sixty-five, or such other federal laws as are specified in regulations
48 issued by the secretary of labor of the United States;

49 (c) has not received and is not seeking unemployment benefits under
50 the unemployment compensation law of the Virgin Islands or of Canada
51 unless, if he or she is seeking such benefits, the appropriate agency
52 finally determines that he or she is not entitled to benefits under such
53 law;

54 (d) has satisfied the conditions of this article, required to render a
55 claimant eligible for regular benefits, which are applicable to extended
56 benefits, including not being subject to a disqualification or suspen-

1 sion, or has satisfied the conditions of this article required to render
2 a claimant eligible to participate in the self-employment assistance
3 program pursuant to section five hundred ninety-one-a of this title and
4 the Federal-State Extended Unemployment Compensation Act of 1970;

5 (e) is not claiming benefits pursuant to an interstate claim filed
6 under the interstate benefit payment plan in a state where an extended
7 benefit period is not in effect, except that this condition shall not
8 apply with respect to the first [~~eight~~] thirteen effective [~~days~~] weeks
9 for which extended benefits shall otherwise be payable pursuant to an
10 interstate claim filed under the interstate benefit payment plan; and

11 (f) in his or her base period has remuneration of one and one-half
12 times the high calendar quarter earnings in accordance with section five
13 hundred twenty-seven of this article.

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

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

18 (b) for not more than [~~fifty-two~~] thirteen effective [~~days~~] weeks with
19 respect to his or her applicable benefit year, with a total maximum
20 amount equal to fifty percentum of the total maximum amount of regular
21 benefits payable in such benefit year, and

22 (c) if a claimant's benefit year ends within an extended benefit peri-
23 od, the remaining balance of extended benefits to which he or she would
24 be entitled, if any, shall be reduced by the number of effective [~~days~~]
25 weeks for which he or she was entitled to receive trade readjustment
26 allowances under the federal trade act of nineteen hundred seventy-four
27 during such benefit year, and

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

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

53 § 17. Paragraphs (b) and (e) of subdivision 5 of section 601 of the
54 labor law, as amended by chapter 35 of the laws of 2009, are amended to
55 read as follows:

1 (b) No [~~days~~] weeks of total unemployment or partial unemployment
2 shall be deemed to occur [~~in any week~~] within an eligibility period
3 during which a claimant fails to accept any offer of suitable work or
4 fails to apply for suitable work to which he or she was referred by the
5 commissioner, who shall make such referral if such work is available, or
6 during which he or she fails to engage actively in seeking work by
7 making a systematic and sustained effort to obtain work and providing
8 tangible evidence of such effort, and until he or she has worked in
9 employment during at least four subsequent weeks and earned remuneration
10 of at least four times his or her benefit rate.

11 (e) No [~~days~~] weeks of total unemployment or partial unemployment
12 shall be deemed to occur [~~in any week~~] within an eligibility period
13 under section five hundred ninety-three of this article, until he or she
14 has subsequently worked in employment in accordance with the require-
15 ments set forth in section five hundred ninety-three of this article.

16 § 18. Section 603 of the labor law, as amended by section 21 of part 0
17 of chapter 57 of the laws of 2013, is amended to read as follows:

18 § 603. Definitions. For purposes of this title: "Total unemployment"
19 shall mean the total lack of any employment [~~on any day~~] during any week
20 and "partial unemployment" shall mean any employment during any week
21 that is less than full-time employment so long as the compensation paid
22 is less than the claimant's weekly benefit rate, other than with an
23 employer applying for a shared work program. "Work force" shall mean the
24 total work force, a clearly identifiable unit or units thereof, or a
25 particular shift or shifts. The work force subject to reduction shall
26 consist of no less than two employees.

27 § 19. This act shall take effect immediately; provided, however, that
28 the amendments to subdivision 1 of section 591 of the labor law made by
29 section six of this act shall be subject to the expiration and reversion
30 of such subdivision pursuant to section 10 of chapter 413 of the laws of
31 2003, as amended, when upon such date the provisions of section seven of
32 this act shall take effect; provided, further, that the amendments to
33 section 591-a of the labor law made by section eight of this act shall
34 not affect the repeal of such section and shall be deemed repealed ther-
35 ewith.