

3703

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. JOHN, NOLAN -- Multi-Sponsored by -- M. of A. DIAZ, DINOWITZ, GOTTFRIED, LANCMAN, LIFTON, O'DONNELL, POWELL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to unemployment benefits based on professional employment with educational institutions; and to repeal subdivision 11 of section 590 of such law, relating to unemployment benefits based on non-professional employment with certain educational institutions

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

1 Section 1. Subdivision 10 of section 590 of the labor law, as amended  
2 by chapter 589 of the laws of 1998, the opening paragraph as amended by  
3 chapter 734 of the laws of 2004 and paragraph (c) as amended by chapter  
4 102 of the laws of 2002, is amended to read as follows:  
5 10. Benefits based on professional AND NON-PROFESSIONAL employment  
6 with educational institutions, including the state university of New  
7 York, the city university of New York and any public community colleges.  
8 If a claimant was employed in an instructional, research, or principal  
9 administrative capacity by an institution of education, including the  
10 state university of New York, the city university of New York and any  
11 public community colleges, or performed services in such an institution  
12 in such capacity while employed by an educational service agency, the  
13 following shall apply to any week commencing during the period between  
14 two successive academic years or terms, or during a similar period  
15 between two regular but not successive terms when the contract provides  
16 therefor instead, provided the claimant has a contract to perform[, or  
17 there is a reasonable assurance that the claimant will perform],  
18 services in such capacity for any such institution or institutions for  
19 both of such academic years or such terms, and to any week commencing  
20 during an established and customary vacation period or holiday recess,  
21 not between such academic terms or years, provided the claimant

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

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1 performed services for such institution immediately before such vacation  
2 period or holiday recess and there is a reasonable assurance that the  
3 claimant will perform any services described in this subdivision [or  
4 subdivision eleven of this section] in the period immediately following  
5 such vacation period or holiday recess:

6 (a) In the case of a claimant who has no current benefit year, whether  
7 the claimant meets the conditions of section five hundred twenty-seven  
8 OF THIS ARTICLE in any such week shall be determined by disregarding the  
9 remuneration paid for such employment.

10 (b) In the case of a claimant who does have a current benefit year, no  
11 benefits shall be payable with respect to any such week provided the  
12 claimant would not have met the conditions of section five hundred twen-  
13 ty-seven OF THIS ARTICLE in the week in which the claimant filed a valid  
14 original claim if the remuneration paid for such employment is disre-  
15 garded.

16 (c) The benefit rate of a claimant with respect to any such week shall  
17 be determined or redetermined by disregarding the remuneration paid for  
18 such employment.

19 "Educational service agency" means a governmental agency or govern-  
20 mental entity or Indian tribal entity which is established and operated  
21 exclusively for the purpose of providing to one or more educational  
22 institutions services mentioned under this subdivision [or subdivision  
23 eleven of this section].

24 For purposes of this subdivision [or subdivision eleven of this  
25 section], "educational institution" shall include any not-for-profit  
26 community art school which is chartered as a school by the board of  
27 regents of the university of state of New York.

28 S 2. Subdivision 11 of section 590 of the labor law is REPEALED.

29 S 3. This act shall take effect on the first of January next succeed-  
30 ing the date on which it shall have become a law.

REPEAL NOTE.--Subdivision 11 of section 590 of the labor law, proposed  
to be repealed by section two of this act, relates to limiting the unem-  
ployment insurance benefits which a non-professional employee of an  
educational institution may receive during vacation periods.