

4921

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

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

AN ACT to amend the labor law, in relation to the unemployment insurance law, increasing the maximum benefit rate for unemployment insurance

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

1 Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor
2 law, as amended by chapter 589 of the laws of 1998, is amended to read
3 as follows:
4 (a) "Wages" means all remuneration paid, except that such term does
5 not include remuneration paid to an employee by an employer after [eight
6 thousand five hundred] NINE THOUSAND SEVEN HUNDRED FIFTY dollars have
7 been paid to such employee by such employer with respect to employment
8 during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOU-
9 SAND TEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER
10 AFTER ELEVEN THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH
11 EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR
12 YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND ELEVEN, NOR TO
13 INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER THIRTEEN
14 THOUSAND DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH EMPLOYER WITH
15 RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR PRECEDING THE FIRST DAY
16 OF JANUARY, TWO THOUSAND TWELVE. IN EACH SUCCEEDING CALENDAR YEAR, THE
17 DEPARTMENT SHALL CALCULATE THE BASE AMOUNT OF REMUNERATION NECESSARY
18 FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO PROVIDE FOR THE ANNUAL
19 INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS ARTICLE, AND
20 OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST FUND PURSUANT TO
21 SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE NECESSARY. The
22 term "employment" includes for the purposes of this subdivision services
23 constituting employment under any unemployment compensation law of
24 another state or the United States.

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

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

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

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