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

4921--B

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. JOHN, DenDEKKER, LANCMAN, ABBATE, JAFFEE, PHEFFER, COLTON, SCHROEDER, ROBINSON, ROSENTHAL, DINOWITZ, ESPAILLAT, MILLMAN, CLARK, NOLAN, MARKEY, MAISEL, RAMOS, LIFTON, LAVINE, CARROZZA, TOWNS, ALESSI, BENJAMIN, GLICK, GABRYSZAK, STIRPE, REILLY, SPANO, KAVANAGH, JEFFRIES, CASTRO, PERRY, BOYLAND, FIELDS, O'DONNELL, MENG, SCARBOROUGH, HOOPER, WRIGHT, ORTIZ, MAYERSOHN, CAMARA, GOTTFRIED -- Multi-Sponsored by -- M. of A. AUBRY, BARRA, BENEDETTO, BRENNAN, BRODSKY, CAHILL, CHRISTENSEN, CONTE, COOK, DelMONTE, GUNTHER, HEASTIE, HYER-SPENCER, JACOBS, LATIMER, V. LOPEZ, LUPARDO, McENENY, PAULIN, PEOPLES-STOKES, PRETLOW, RABBITT, RUSSELL, SCHIMEL, SKARTADOS, SWEENEY, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

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:

Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by chapter 589 of the laws of 1998, is amended to read as follows:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after [eight thousand five hundred] NINE THOUSAND SEVEN HUNDRED FIFTY dollars have been paid to such employee by such employer with respect to employment during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND ELEVEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER TWELVE THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY

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

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CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND TWELVE, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER THIRTEEN THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND THIRTEEN. IN EACH SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE NECESSARY. The term "employment" includes for the purposes of this subdivision services constituting employment under any unemployment compensation law of another state or the United States.

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

5. Benefit rate. A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article. However, for claimants whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be [lowered to] the next multiple of one dollar. On the first Monday of September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded [down] to the [lowest] NEXT dollar. ON THE FIRST MONDAY OF JULY, TWO THOUSAND TEN, THE WEEKLY BENEFIT SHALL NOT EXCEED FOUR HUNDRED SEVENTY-FIVE DOLLARS NOR LESS THAN SEVENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND ELEVEN AT WHICH TIME THE WEEKLY BENEFIT SHALL NOT EXCEED FIVE HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND TWELVE AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL NOT EXCEED SIX HUNDRED DOLLARS UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND THIRTEEN, AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT SHALL NOT EXCEED SIX HUNDRED FIFTY DOLLARS UNTIL THE FIRST MONDAY OF JULY, TWO THOUSAND FOURTEEN AT WHICH TIME THE MAXIMUM BENEFIT PURSUANT TO THIS SUBDIVISION SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO THOUSAND FOURTEEN AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND FOURTEEN AND ON JULY FIRST OF EACH SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT ANNUALLY PURSUANT TO THE MANNER DESCRIBED IN THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE AVERAGE WEEKLY WAGE" SHALL MEAN THE AVERAGE WEEKLY WAGE OF THE STATE OF NEW YORK FOR THE PREVIOUS CALENDAR YEAR AS REPORTED BY THE COMMISSIONER TO THE SUPERINTENDENT OF INSURANCE ON MARCH THIRTY-FIRST.

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