

4742

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. AUBERTINE -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to providing unemployment insurance benefits to certain part-time elected officials

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. "Total unemployment" means the total lack  
4 of any employment on any day. The term "employment" as used in this  
5 section means any employment including that not defined in this title  
6 BUT SHALL NOT INCLUDE SERVICE AS AN ELECTED COUNTY OR MUNICIPAL  
7 OFFICIAL.

8 S 2. Subdivision 1 of section 591 of the labor law, as amended by  
9 chapter 413 of the laws of 2003, is amended to read as follows:

10 1. Unemployment. Benefits, except as provided in section five hundred  
11 ninety-one-a of this title, shall be paid only to a claimant who is  
12 totally unemployed and who is unable to engage in his OR HER usual  
13 employment or in any other for which he OR SHE is reasonably fitted by  
14 training and experience. A claimant who is receiving benefits under this  
15 article shall not be denied such benefits pursuant to this subdivision  
16 or to subdivision two of this section because of such claimant's service  
17 on a grand or petit jury of any state or of the United States OR SUCH  
18 CLAIMANT'S SERVICE AS AN ELECTED COUNTY OR MUNICIPAL OFFICIAL; PROVIDED,  
19 HOWEVER THAT SUCH CLAIMANT'S PAY FOR SERVICE AS AN ELECTED COUNTY OR  
20 MUNICIPAL OFFICIAL IS LESS THAN THE PRODUCT OF THE MINIMUM WAGE TIMES  
21 TWO THOUSAND HOURS PER YEAR. SUCH CLAIMANT SERVING AS AN ELECTED COUNTY  
22 OR MUNICIPAL OFFICIAL WHILE RECEIVING UNEMPLOYMENT INSURANCE BENEFITS  
23 SHALL ONLY RECEIVE THE AMOUNT OF THE DIFFERENCE BETWEEN THE WEEKLY BENE-  
24 FIT AMOUNT AND THE AMOUNT OF WEEKLY EARNINGS FROM SUCH ELECTED PUBLIC  
25 SERVICE.

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

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1 S 3. Subdivision 1 of section 591 of the labor law, as amended by  
2 chapter 446 of the laws of 1981, is amended to read as follows:

3 1. Unemployment. Benefits shall be paid only to a claimant who is  
4 totally unemployed and who is unable to engage in his OR HER usual  
5 employment or in any other for which he OR SHE is reasonably fitted by  
6 training and experience. A claimant who is receiving benefits under this  
7 article shall not be denied such benefits pursuant to this subdivision  
8 or to subdivision two of this section because of such claimant's service  
9 on a grand or petit jury of any state or of the United States OR SUCH  
10 CLAIMANT'S SERVICE AS AN ELECTED COUNTY OR MUNICIPAL OFFICIAL; PROVIDED,  
11 HOWEVER THAT SUCH CLAIMANT'S PAY FOR SERVICE AS AN ELECTED COUNTY OR  
12 MUNICIPAL OFFICIAL IS LESS THAN THE PRODUCT OF THE MINIMUM WAGE TIMES  
13 TWO THOUSAND HOURS PER YEAR. SUCH CLAIMANT SERVING AS AN ELECTED COUNTY  
14 OR MUNICIPAL OFFICIAL WHILE RECEIVING UNEMPLOYMENT INSURANCE BENEFITS  
15 SHALL ONLY RECEIVE THE AMOUNT OF THE DIFFERENCE BETWEEN THE WEEKLY BENE-  
16 FIT AMOUNT AND THE AMOUNT OF WEEKLY EARNINGS FROM SUCH ELECTED PUBLIC  
17 SERVICE.

18 S 4. This act shall take effect immediately, provided, however, that  
19 the amendments to subdivision 1 of section 591 of the labor law made by  
20 section two of this act shall be subject to the expiration and reversion  
21 of such subdivision pursuant to section 10 of chapter 413 of the laws of  
22 2003, as amended, when upon such date the provisions of section three of  
23 this act shall take effect.