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

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2011-2012 Regular Sessions

I N A S S E M B L Y

February 1, 2011

Introduced by M. of A. BRENNAN, JAFFEE, ABBATE, PEOPLES-STOKES, COOK, CASTRO, REILLY, CLARK, HOOPER -- Multi-Sponsored by -- M. of A. BARRON, GOTTFRIED, McENENY, MENG, SCHIMEL, WEISENBERG -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to eligibility for unemployment insurance benefits

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

Section 1. Subdivision 1, paragraph (a) of subdivision 2 and subdivision 4 of section 527 of the labor law, subdivision 1 as amended by chapter 413 of the laws of 2003, paragraph (a) of subdivision 2 as amended by chapter 5 of the laws of 2000 and subdivision 4 as amended by chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the laws of 1984, are amended to read as follows:

1. Basic condition. "Valid original claim" is a claim filed by a claimant who meets the following qualifications: (a) is able to work, and available for work; (b) is not subject to any disqualification or suspension under this article; (c) his previously established benefit year, if any, has expired; (d) has been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment under conditions which would be disqualifying pursuant to subdivision three of section five hundred ninety-three of this article, for employment [during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter earnings within the base period and with at least one thousand six hundred dollars of such remuneration being paid during the high calendar quarter of such base period. For purposes of this section, the earnings in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of

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

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section five hundred ninety of this article for all individuals] OF AT LEAST ONE HUNDRED THIRTY HOURS OF WORK IN THE HIGHEST CALENDAR QUARTER OF THE BASE PERIOD AND AT LEAST ONE HUNDRED NINETY-FIVE HOURS OF WORK WITHIN THE FOUR QUARTERS OF THE BASE PERIOD.

(a) An individual who is unable to file a valid original claim in accordance with subdivision one of this section, files a valid original claim by meeting the qualifications enumerated in paragraphs (a), (b) and (c) of subdivision one of this section and by having been paid remuneration by employers liable for contributions or for payments in lieu of contributions under this article, other than employers from whom the claimant lost employment under conditions which are disqualifying pursuant to subdivision three of section five hundred ninety-three of this article, for employment [during at least two calendar quarters of the base period, with remuneration of one and one-half times the high calendar quarter earnings within the base period and with at least one thousand six hundred dollars of such remuneration being paid during the high calendar quarter of such base period. For purposes of this section, the earnings in the high calendar quarter of the base period used in determining a valid original claim shall not exceed an amount equal to twenty-two times the maximum benefit rate as set forth in subdivision five of section five hundred ninety of this article for all individuals] OF AT LEAST ONE HUNDRED THIRTY HOURS OF WORK IN THE HIGHEST CALENDAR QUARTER OF THE BASE PERIOD AND AT LEAST ONE HUNDRED NINETY-FIVE HOURS OF WORK WITHIN THE FOUR QUARTERS OF THE BASE PERIOD.

4. General condition. A valid original claim may be filed only in a week in which the claimant has at least one effective day of unemployment. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DURING ANY WEEK OF UNEMPLOYMENT WHERE THE CLAIMANT IS EMPLOYED PART-TIME, THE FIRST ONE HUNDRED DOLLARS OF EARNINGS RECEIVED BY SUCH CLAIMANT FOR SUCH PART-TIME EMPLOYMENT SHALL NOT REDUCE THE BENEFITS RECEIVED FOR A VALID ORIGINAL CLAIM. FOR EACH ONE DOLLAR OF EARNINGS IN EXCESS OF ONE HUNDRED DOLLARS RECEIVED BY SUCH CLAIMANT FOR SUCH PART-TIME EMPLOYMENT, THE BENEFITS RECEIVED FOR A VALID ORIGINAL CLAIM FOR THAT WEEK SHALL BE REDUCED BY SEVENTY-FIVE CENTS.

S 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.