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

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I N S E N A T E

April 19, 2012

Introduced by Sen. GALLIVAN -- 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 the duration of rights of benefits

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

Section 1. Subdivision 4 of section 590 of the labor law, as amended by chapter 457 of the laws of 1987, is amended to read as follows:

4. Duration. Benefits shall [not be paid for more than one hundred and four effective days in any benefit year, except as provided in section six hundred one and subdivision two of section five hundred ninety-nine of this chapter.] BE LIMITED TO:

(A) SIXTY-FOUR EFFECTIVE DAYS IN A BENEFIT YEAR IF THE AVERAGE UNEMPLOYMENT RATE OF THE CLAIMANT'S COUNTY OF RESIDENCE IS AT OR BELOW FIVE AND FIVE-TENTHS OF A PER CENT AT THE TIME OF THE FILING OF A VALID ORIGINAL CLAIM.

(B) AN ADDITIONAL FOUR EFFECTIVE DAYS IN ADDITION TO THE SIXTY-FOUR EFFECTIVE DAYS IN A BENEFIT YEAR FOR EACH THREE-TENTHS OF A PER CENT INCREMENT IN THE AVERAGE UNEMPLOYMENT RATE OF THE CLAIMANT'S COUNTY OF RESIDENCE ABOVE FIVE AND FIVE-TENTHS OF A PER CENT AT THE TIME OF THE FILING OF A VALID ORIGINAL CLAIM.

(C) UP TO A MAXIMUM OF ONE HUNDRED FOUR DAYS IN ANY BENEFIT YEAR, EXCEPT AS PROVIDED IN SECTION SIX HUNDRED ONE OF THIS TITLE AND SUBDIVISION TWO OF SECTION FIVE HUNDRED NINETY-NINE OF THIS TITLE.

(D) FOR THE PURPOSES OF THIS SUBDIVISION THE TERM "AVERAGE UNEMPLOYMENT RATE OF THE CLAIMANT'S COUNTY OF RESIDENCE" MEANS:

(I) FOR CLAIMANTS RESIDING OUTSIDE THE CITY OF NEW YORK, THE AVERAGE UNEMPLOYMENT RATE OF THE COUNTY IN WHICH THE CLAIMANT CLAIMS PRIMARY RESIDENCE FOR THE MOST RECENT THREE MONTHS PRECEDING THE FILING OF A VALID ORIGINAL CLAIM AS CALCULATED BY THE DEPARTMENT, DIVISION OF RESEARCH AND STATISTICS.

(II) FOR CLAIMANTS RESIDING IN THE CITY OF NEW YORK, THE GREATER OF SUBPARAGRAPH (I) OF THIS PARAGRAPH AND THE AVERAGE UNEMPLOYMENT RATE OF THE CITY OF NEW YORK FOR THE MOST RECENT THREE MONTHS PRECEDING THE FILING OF A VALID ORIGINAL CLAIM AS CALCULATED BY THE DEPARTMENT, DIVISION OF RESEARCH AND STATISTICS.

S 2. This act shall take effect immediately.

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

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