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

36--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. PERALTA, ADDABBO, AVELLA, SQUADRON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, 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 section 1 of part O of chapter 57 of the laws of 2013, 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 dollars have been paid to such employee by such employer with respect to employment during any calendar year, except that such term does not include remuneration paid to an employee by an employer with respect to employment during any calendar year beginning with the first day of

	that exceeds
January 2014	$10,300
January 2015	[$10,500] $12,500
January 2016	[$10,700] $13,500
[January 2017	$10,900
January 2018	$11,100
January 2019	$11,400
January 2020	$11,600
January 2021	$11,800
January 2022	$12,000
January 2023	$12,300

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

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January 2024	$12,500
January 2025	$12,800
January 2026	$13,000

and each year thereafter on the first day of January that exceeds sixteen percent of the state's average annual wage as determined by the commissioner on an annual basis pursuant to section five hundred twenty-nine of this article; provided, however, that in calculating such maximum amount of remuneration, the amount arrived at by multiplying the state's average annual wage times sixteen percent shall be rounded up to the nearest hundred dollars. In no event shall the state's annual average wage be reduced from the amount determined in the previous year]

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. Paragraph (a) of subdivision 5 of section 590 of the labor law, as amended by section 8 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(a) 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, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and 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. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and 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 and after the first Monday of [October] JULY, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred [twenty] SEVENTY-FIVE dollars until the first Monday of [October] JULY, two thousand fifteen when the maximum benefit amount shall be [four] FIVE hundred twenty-five dollars, until the first Monday of [October] JULY, two thousand sixteen when the maximum benefit amount shall be [four] SIX hundred [thirty] dollars, until the first Monday of [October] JULY, two thousand seventeen when the maximum benefit amount shall be [four] SIX hundred [thirty-five] FIFTY dollars, until the first Monday of [October] JULY, two thousand eighteen when the maximum benefit amount shall [be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year] EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO THOUSAND EIGHTEEN AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND EIGHTEEN 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 FOR THE PREVIOUS CALENDAR YEAR AS REPORTED BY THE COMMISSIONER TO THE SUPERINTENDENT OF FINANCIAL SERVICES 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.