36--A

2013-2014 Regular Sessions

IN SENATE

(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:

1 Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor 2 law, as amended by section 1 of part 0 of chapter 57 of the laws of 3 2013, is amended to read as follows:

"Wages" means all remuneration paid, except that such term does 4 (a) 5 not include remuneration paid to an employee by an employer after eight thousand five hundred dollars have been paid to such employee by such 6 7 employer with respect to employment during any calendar year, except 8 that such term does not include remuneration paid to an employee by an 9 employer with respect to employment during any calendar year beginning with the first day of 10 that orgooda

11	1	that exceeds
12	January 2014	\$10,300
13	January 2015	[\$10,500] \$12,500
14	January 2016	[\$10,700] \$13,500
15	[January 2017	\$10,900
16	January 2018	\$11,100
17	January 2019	\$11,400
18	January 2020	\$11,600
19	January 2021	\$11,800
20	January 2022	\$12,000
21	January 2023	\$12,300

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

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		Тар	110707 2024			<u>ب</u>	12,500
		Uall	uary 2024			ς γ	JZ, 500
		Jan	uary 2025			\$	12,800
	January 2026					\$	13,000
nd	each	vear	thereafter	on	the	first	day of

4 thereafter on the first day of January that exceeds and each year 5 sixteen percent of the state's average annual wage as determined by the 6 commissioner on an annual basis pursuant to section five hundred twen-7 ty-nine of this article; provided, however, that in calculating such 8 maximum amount of remuneration, the amount arrived at by multiplying the state's average annual wage times sixteen percent shall be rounded up to 9 10 nearest hundred dollars. In no event shall the state's annual averthe 11 age wage be reduced from the amount determined in the previous year]

12 IN EACH SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE 13 AMOUNT OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT BASE 14 PREMIUM TO PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT 15 PROVIDED FOR INTHIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT 16 INSURANCE TRUST FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS 17 AS MAY BE NECESSARY. The term "employment" includes for the ARTICLE, 18 purposes of this subdivision services constituting employment under any 19 unemployment compensation law of another state or the United States.

20 2. Paragraph (a) of subdivision 5 of section 590 of the labor law, S 21 as amended by section 8 of part 0 of chapter 57 of the laws of 2013, is 22 amended to read as follows:

23 (a) A claimant's weekly benefit amount shall be one twenty-sixth of 24 the remuneration paid during the highest calendar quarter of the base 25 period by employers, liable for contributions or payments in lieu of 26 contributions under this article, provided the claimant has remuneration 27 paid in all four calendar quarters during his or her base period or 28 alternate base period. However, for any claimant who has remuneration 29 paid in all four calendar quarters during his or her base period or 30 alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five 31 32 less, the benefit amount shall be one twenty-fifth of the dollars or 33 remuneration paid during the highest calendar quarter of the base period 34 by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one 35 twenty-sixth of the average remuneration paid in the two highest guar-36 37 ters paid during the base period or alternate base period by employers 38 liable for contributions or payments in lieu of contributions under this 39 article when the claimant has remuneration paid in two or three calendar 40 quarters provided however, that a claimant whose high calendar quarter four thousand dollars or less but greater than three thousand five 41 is hundred seventy-five dollars shall have a weekly benefit amount of 42 one 43 twenty-sixth of such high calendar quarter. However, for any claimant 44 who has remuneration paid in two or three calendar quarters during his 45 her base period or alternate base period and whose high calendar or 46 quarter remuneration during the base period is three thousand five 47 hundred seventy-five dollars or less, the benefit amount shall be one 48 twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments 49 50 lieu of contributions under this article. Any claimant whose high in 51 calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly bene-52 53 fit amount less than one hundred forty-three dollars. The weekly benefit 54 amount, so computed, that is not a multiple of one dollar shall be 55 [lowered to] the next multiple of one dollar. On the first Monday of 56 September, nineteen hundred ninety-eight the weekly benefit amount shall

not exceed three hundred sixty-five dollars nor be less than forty 1 2 dollars, until the first Monday of September, two thousand, at which 3 time the maximum benefit payable pursuant to this subdivision shall 4 equal one-half of the state average weekly wage for covered employment 5 as calculated by the department no sooner than July first, two thousand 6 and no later than August first, two thousand, rounded [down] to the 7 [lowest] NEXT dollar. On and after the first Monday of [October] JULY, 8 thousand fourteen, the weekly benefit shall not be less than one two hundred dollars, nor shall it exceed four hundred [twenty] SEVENTY-FIVE 9 10 dollars until the first Monday of [October] JULY, two thousand fifteen 11 when the maximum benefit amount shall be [four] FIVE hundred twenty-five 12 dollars, until the first Monday of [October] JULY, two thousand sixteen when the maximum benefit amount shall be [four] SIX hundred [thirty] 13 14 dollars, until the first Monday of [October] JULY, two thousand seven-15 teen when the maximum benefit amount shall be [four] SIX hundred [thir-16 ty-five] FIFTY dollars, until the first Monday of [October] JULY, two 17 thousand eighteen when the maximum benefit amount shall [be four hundred 18 fifty dollars, until the first Monday of October, two thousand nineteen 19 when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty 20 21 when the maximum benefit amount shall be thirty-eight percent of the 22 average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the 23 average weekly wage, until the first Monday of October, two thousand 24 25 twenty-two when the maximum benefit amount shall be forty-two percent of 26 the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent 27 of the average weekly wage, until the first Monday of October, two thou-28 29 sand twenty-four when the maximum benefit amount shall be forty-six 30 percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be 31 32 forty-eight percent of the average weekly wage, until the first Monday 33 of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty 34 35 percent of the average weekly wage provided, however, that in no event maximum benefit amount be reduced from the previous year] 36 shall the 37 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 38 39 40 SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL EOUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT ANNUALLY PURSUANT TO 41 MANNER DESCRIBED IN THIS SUBDIVISION. FOR PURPOSES OF THIS SUBDIVI-42 THE 43 SION, THE TERM "STATE AVERAGE WEEKLY WAGE" SHALL MEAN THE AVERAGE WEEKLY 44 WAGE OF THE STATE FOR THE PREVIOUS CALENDAR YEAR AS REPORTED ΒY THE 45 COMMISSIONER TO THE SUPERINTENDENT OF FINANCIAL SERVICES ON MARCH THIR-46 TY-FIRST.

47 S 3. This act shall take effect immediately and shall apply to all 48 claims filed on and after the effective date of this act; provided, 49 however, that section one of this act shall take effect on the thirtieth 50 day after it shall have become a law.