

6145

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 15, 2013

---

Introduced by M. of A. SIMANOWITZ -- read once and referred to the  
Committee on Labor

AN ACT to amend the labor law, in relation to unemployment benefits for  
part-time workers; and to repeal certain provisions of the labor law  
relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-  
BLY, 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 AND PARTIAL UNEMPLOYMENT. "Total unemploy-  
4     ment" means the total lack of any employment [on any day] DURING ANY  
5     WEEK. "PARTIAL UNEMPLOYMENT" MEANS ANY EMPLOYMENT DURING ANY WEEK THAT  
6     IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID IS  
7     LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE. The term "employment" as  
8     used in this section means any employment including that not defined in  
9     this title.  
10    S 2. Section 523 of the labor law is REPEALED and a new section 523 is  
11    added to read as follows:  
12    S 523. EFFECTIVE WEEK. "EFFECTIVE WEEK" MEANS (A) A WEEK DURING WHICH  
13    A CLAIMANT PERFORMS NO SERVICES FOR WHICH THE CLAIMANT IS PAID COMPEN-  
14    SATION, OR (B) A WEEK DURING WHICH A CLAIMANT PERFORMS SERVICES ON A  
15    PART-TIME BASIS FOR WHICH THE CLAIMANT IS PAID COMPENSATION THAT IS LESS  
16    THAN THE CLAIMANT'S WEEKLY BENEFIT RATE.  
17    S 3. Subdivision 4 of section 527 of the labor law, as amended by  
18    chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the  
19    laws of 1984, is amended to read as follows:  
20    4. General condition. A valid original claim may be filed only in a  
21    week [in which the claimant has at least one effective day of unemploy-  
22    ment] THAT QUALIFIES AS AN EFFECTIVE WEEK OF UNEMPLOYMENT FOR THE CLAIM-  
23    ANT.

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

LBD08695-01-3

1 S 4. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581  
2 of the labor law, as amended by chapter 282 of the laws of 2002 and  
3 clause (v) as added by chapter 106 of the laws of 2007, is amended to  
4 read as follows:

5 (2) Benefits payable to any claimant with respect to the claimant's  
6 then current benefit year shall be charged, when paid, to the account of  
7 the last employer prior to the filing of a valid original claim in an  
8 amount equal to seven times the claimant's benefit rate. Thereafter,  
9 such charges shall be made to the account of each employer in the base  
10 period used to establish the valid original claim in the same proportion  
11 that the remuneration paid by each employer to the claimant during that  
12 base period bears to the remuneration paid by all employers to the  
13 claimant during that base period except as provided below:

14 (i) In those instances where the claimant may not utilize wages paid  
15 to establish entitlement based upon subdivision ten of section five  
16 hundred ninety of this article and an educational institution is the  
17 claimant's last employer prior to the filing of the claim for benefits,  
18 or the claimant performed services in such educational institution in  
19 such capacity while employed by an educational service agency which is  
20 the claimant's last employer prior to the filing of the claim for bene-  
21 fits, such employer shall not be liable for benefit charges for the  
22 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits  
23 paid as otherwise provided by this section. Under such circumstances,  
24 benefits paid shall be charged to the general account. In addition,  
25 wages paid during the base period by such educational institutions, or  
26 for services in such educational institutions for claimants employed by  
27 an educational service agency shall not be considered base period wages  
28 during periods that such wages may not be used to gain entitlement to  
29 benefits pursuant to subdivision ten of section five hundred ninety of  
30 this article.

31 (ii) In those instances where the claimant may not utilize wages paid  
32 to establish entitlement based upon subdivision eleven of section five  
33 hundred ninety of this article and an educational institution is the  
34 claimant's last employer prior to the filing of the claim for benefits,  
35 or the claimant performed services in such educational institution in  
36 such capacity while employed by an educational service agency which is  
37 the claimant's last employer prior to the filing of the claim for bene-  
38 fits, such employer shall not be liable for benefit charges for the  
39 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits  
40 paid as otherwise provided by this section. Under such circumstances,  
41 benefits paid will be charged to the general account. In addition, wages  
42 paid during the base period by such educational institutions, or for  
43 services in such educational institutions for claimants employed by an  
44 educational service agency shall not be considered base period wages  
45 during periods that such wages may not be used to gain entitlement to  
46 benefits pursuant to subdivision eleven of section five hundred ninety  
47 of this article. However, in those instances where a claimant was not  
48 afforded an opportunity to perform services for the educational institu-  
49 tion for the next academic year or term after reasonable assurance was  
50 provided, such employer shall be liable for benefit charges as provided  
51 for in this paragraph for any retroactive payments made to the claimant.

52 (iii) In those instances where the federal government is the claim-  
53 ant's last employer prior to the filing of the claim for benefits and  
54 such employer is not a base-period employer, payments equaling the first  
55 [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as  
56 otherwise prescribed by this section shall be charged to the general

1 account. In those instances where the federal government is the claim-  
2 ant's last employer prior to the filing of the claim for benefits and a  
3 base-period employer, such employer shall be liable for charges for all  
4 benefits paid on such claim in the same proportion that the remuneration  
5 paid by such employer during the base period bears to the remuneration  
6 paid by all employers during the base period. In addition, benefit  
7 payment charges for the first [twenty-eight effective days] SEVEN EFFEC-  
8 TIVE WEEKS of benefits other than those chargeable to the federal  
9 government as prescribed above shall be made to the general account.

10 (iv) In those instances where a combined wage claim is filed pursuant  
11 to interstate reciprocal agreements and the claimant's last employer  
12 prior to the filing of the claim is an out-of-state employer and such  
13 employer is not a base-period employer, benefit payments equaling the  
14 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as  
15 otherwise prescribed by this section shall be charged to the general  
16 account. In those instances where the out-of-state employer is the last  
17 employer prior to the filing of the claim for benefits and a base-period  
18 employer such employer shall be liable for charges for all benefits paid  
19 on such claim in the same proportion that the remuneration paid by such  
20 employer during the base period bears to the remuneration paid by all  
21 employers during the base period. In addition, benefit payment charges  
22 for the [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits  
23 other than those chargeable to the out-of-state employer as prescribed  
24 above shall be made to the general account.

25 (v) In those instances where the last employer prior to the filing of  
26 a valid original claim has paid total remuneration to the claimant  
27 during the period from the start of the base period used to establish  
28 the benefit claim until the date of the claimant's filing of the valid  
29 original claim in an amount less than or equal to six times the claim-  
30 ant's benefit rate and the last employer has substantiated such amount  
31 to the satisfaction of the commissioner within ten days of the commis-  
32 sioner's original notice of potential charges to such last employer's  
33 account, benefits shall be charged as follows: benefits payable to the  
34 claimant with respect to the claimant's then current benefit year shall  
35 be charged, when paid, to the account of such last employer prior to the  
36 filing of a valid original claim in an amount equal to the lowest whole  
37 number (one, two, three, four, five, or six) times the claimant's bene-  
38 fit rate where the product of such lowest whole number times the claim-  
39 ant's benefit rate is equal to or greater than such total remuneration  
40 paid by such last employer to the claimant. Thereafter, such charges  
41 shall be made to the account of each employer in the base period used to  
42 establish the valid original claim in the same proportion that the  
43 remuneration paid by each employer to the claimant during that base  
44 period bears to the remuneration paid by all employers to the claimant  
45 during that base period. Notice of such recalculation of potential  
46 charges shall be given to the last employer and each employer of the  
47 claimant in the base period used to establish the valid original claim.

48 S 5. Subdivisions 1, 3, 4, 5, 6 and 7 of section 590 of the labor law,  
49 subdivisions 1 and 3 as amended by chapter 645 of the laws of 1951,  
50 subdivision 4 as amended by chapter 457 of the laws of 1987, subdivision  
51 5 as amended by chapter 413 of the laws of 2003, subdivision 6 as added  
52 by chapter 720 of the laws of 1953 and as renumbered by chapter 675 of  
53 the laws of 1977 and subdivision 7 as amended by chapter 415 of the laws  
54 of 1983, are amended to read as follows:

55 1. Entitlement to benefits. A claimant shall be entitled to accumulate  
56 effective [days] WEEKS for the purpose of benefit rights only if he has

1 complied with the provisions of this article regarding the filing of his  
2 claim, including the filing of a valid original claim, registered as  
3 totally OR PARTIALLY unemployed, reported his subsequent employment and  
4 unemployment, and reported for work or otherwise given notice of the  
5 continuance of his unemployment.

6 3. Compensable periods. Benefits shall be paid for each [accumulation  
7 of] effective [days within a] week.

8 4. Duration. Benefits shall not be paid for more than [one hundred and  
9 four effective days] TWENTY-SIX EFFECTIVE WEEKS in any benefit year,  
10 except as provided in section six hundred one and subdivision two of  
11 section five hundred ninety-nine of this chapter.

12 5. Benefit rate. A claimant's weekly benefit amount shall be one twen-  
13 ty-sixth of the remuneration paid during the highest calendar quarter of  
14 the base period by employers, liable for contributions or payments in  
15 lieu of contributions under this article. However, for claimants whose  
16 high calendar quarter remuneration during the base period is three thou-  
17 sand five hundred seventy-five dollars or less, the benefit amount shall  
18 be one twenty-fifth of the remuneration paid during the highest calendar  
19 quarter of the base period by employers liable for contributions or  
20 payments in lieu of contributions under this article. ANY CLAIMANT WHO  
21 IS PARTIALLY UNEMPLOYED WITH RESPECT TO ANY EFFECTIVE WEEK SHALL BE  
22 PAID, WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENEFIT AMOUNT EQUAL TO HIS  
23 OR HER WEEKLY BENEFIT AMOUNT LESS THE TOTAL OF THE REMUNERATION, IF ANY,  
24 PAID OR PAYABLE TO HIM OR HER WITH RESPECT TO SUCH WEEK FOR SERVICES  
25 PERFORMED. Any claimant whose high calendar quarter remuneration during  
26 the base period is more than three thousand five hundred seventy-five  
27 dollars shall not have a weekly benefit amount less than one hundred  
28 forty-three dollars. The weekly benefit amount, so computed, that is not  
29 a multiple of one dollar shall be lowered to the next multiple of one  
30 dollar. On the first Monday of September, nineteen hundred ninety-eight  
31 the weekly benefit amount shall not exceed three hundred sixty-five  
32 dollars nor be less than forty dollars, until the first Monday of  
33 September, two thousand, at which time the maximum benefit payable  
34 pursuant to this subdivision shall equal one-half of the state average  
35 weekly wage for covered employment as calculated by the department no  
36 sooner than July first, two thousand and no later than August first, two  
37 thousand, rounded down to the lowest dollar.

38 6. Notification requirement. No effective [day] WEEK shall be counted  
39 for any purposes except effective [days] WEEKS as to which notification  
40 has been given in a manner prescribed by the commissioner.

41 7. Waiting period. A claimant shall not be entitled to accumulate  
42 effective [days] WEEKS for the purpose of benefit payments until he has  
43 accumulated a waiting period of [four effective days either wholly with-  
44 in the week in which he established his valid original claim or partly  
45 within such week and partly within his benefit year initiated by such  
46 claim] ONE EFFECTIVE WEEK.

47 S 6. Subdivision 1 of section 591 of the labor law, as amended by  
48 chapter 413 of the laws of 2003, is amended to read as follows:

49 1. Unemployment. Benefits, except as provided in section five hundred  
50 ninety-one-a of this title, shall be paid only to a claimant who is  
51 totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage  
52 in his usual employment or in any other for which he is reasonably  
53 fitted by training and experience. A claimant who is receiving benefits  
54 under this article shall not be denied such benefits pursuant to this  
55 subdivision or to subdivision two of this section because of such claim-

1 ant's service on a grand or petit jury of any state or of the United  
2 States.

3 S 7. Subdivision 1 of section 591 of the labor law, as amended by  
4 chapter 446 of the laws of 1981, is amended to read as follows:

5 1. Unemployment. Benefits shall be paid only to a claimant who is  
6 totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage  
7 in his usual employment or in any other for which he is reasonably  
8 fitted by training and experience. A claimant who is receiving benefits  
9 under this article shall not be denied such benefits pursuant to this  
10 subdivision or to subdivision two of this section because of such claim-  
11 ant's service on a grand or petit jury of any state or of the United  
12 States.

13 S 8. Subparagraph (i) of paragraph (b) of subdivision 2 of section  
14 591-a of the labor law, as added by chapter 413 of the laws of 2003, is  
15 amended to read as follows:

16 (i) requirements relating to total unemployment AND PARTIAL UNEMPLOY-  
17 MENT, as defined in section five hundred twenty-two of this article,  
18 availability for work, as set forth in subdivision two of section five  
19 hundred ninety-one of this title and refusal to accept work, as set  
20 forth in subdivision two of section five hundred ninety-three of this  
21 title, are not applicable to such individuals;

22 S 9. Subdivision 2 of section 592 of the labor law, as amended by  
23 chapter 415 of the laws of 1983, is amended to read as follows:

24 2. Concurrent payments prohibited. No [days] WEEKS of total unemploy-  
25 ment OR PARTIAL UNEMPLOYMENT shall be deemed to occur in any week with  
26 respect to which [or a part of which] a claimant has received or is  
27 seeking unemployment benefits under an unemployment compensation law of  
28 any other state or of the United States, provided that this provision  
29 shall not apply if the appropriate agency of such other state or of the  
30 United States finally determines that he is not entitled to such unem-  
31 ployment benefits.

32 S 10. Paragraph (a) of subdivision 1 of section 593 of the labor law,  
33 as amended by chapter 35 of the laws of 2009, is amended to read as  
34 follows:

35 (a) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT  
36 shall be deemed to occur after a claimant's voluntary separation without  
37 good cause from employment until he or she has subsequently worked in  
38 employment and earned remuneration at least equal to five times his or  
39 her weekly benefit rate. In addition to other circumstances that may be  
40 found to constitute good cause, including a compelling family reason as  
41 set forth in paragraph (b) of this subdivision, voluntary separation  
42 from employment shall not in itself disqualify a claimant if circum-  
43 stances have developed in the course of such employment that would have  
44 justified the claimant in refusing such employment in the first instance  
45 under the terms of subdivision two of this section or if the claimant,  
46 pursuant to an option provided under a collective bargaining agreement  
47 or written employer plan which permits waiver of his right to retain the  
48 employment when there is a temporary layoff because of lack of work, has  
49 elected to be separated for a temporary period and the employer has  
50 consented thereto.

51 S 11. Subdivision 2 of section 593 of the labor law, as amended by  
52 chapter 415 of the laws of 1983, the opening paragraph as amended by  
53 chapter 5 of the laws of 2000, paragraph (a) as added by chapter 589 of  
54 the laws of 1998 and paragraphs (d) and (e) as amended by chapter 35 of  
55 the laws of 2009, is amended to read as follows:

1 2. Refusal of employment. No [days] WEEKS of total unemployment OR  
2 PARTIAL UNEMPLOYMENT shall be deemed to occur beginning with the [day  
3 on] WEEK IN which a claimant, without good cause, refuses to accept an  
4 offer of employment for which he is reasonably fitted by training and  
5 experience, including employment not subject to this article, until he  
6 has subsequently worked in employment and earned remuneration at least  
7 equal to five times his or her weekly benefit rate. Except that claim-  
8 ants who are not subject to a recall date or who do not obtain employ-  
9 ment through a union hiring hall and who are still unemployed after  
10 receiving thirteen weeks of benefits shall be required to accept any  
11 employment proffered that such claimants are capable of performing,  
12 provided that such employment would result in a wage not less than  
13 eighty percent of such claimant's high calendar quarter wages received  
14 in the base period and not substantially less than the prevailing wage  
15 for similar work in the locality as provided for in paragraph (d) of  
16 this subdivision. No refusal to accept employment shall be deemed with-  
17 out good cause nor shall it disqualify any claimant otherwise eligible  
18 to receive benefits if:

19 (a) a refusal to accept employment which would interfere with a claim-  
20 ant's right to join or retain membership in any labor organization or  
21 otherwise interfere with or violate the terms of a collective bargaining  
22 agreement shall be with good cause; OR

23 (b) there is a strike, lockout, or other industrial controversy in the  
24 establishment in which the employment is offered; or

25 (c) the employment is at an unreasonable distance from his residence,  
26 or travel to and from the place of employment involves expense substan-  
27 tially greater than that required in his former employment unless the  
28 expense be provided for; or

29 (d) the wages or compensation or hours or conditions offered are  
30 substantially less favorable to the claimant than those prevailing for  
31 similar work in the locality, or are such as tend to depress wages or  
32 working conditions; or

33 (e) the claimant is seeking part-time work as provided in subdivision  
34 five of section five hundred ninety-six of this title and the offer of  
35 employment is not comparable to his or her part-time work as defined in  
36 such subdivision.

37 S 12. Subdivisions 3 and 4 of section 593 of the labor law, as amended  
38 by chapter 589 of the laws of 1998, are amended to read as follows:

39 3. Misconduct. No [days] WEEKS of total unemployment OR PARTIAL UNEM-  
40 PLOYMENT shall be deemed to occur after a claimant lost employment  
41 through misconduct in connection with his or her employment until he or  
42 she has subsequently worked in employment and earned remuneration at  
43 least equal to five times his or her weekly benefit rate.

44 4. Criminal acts. No [days] WEEKS of total unemployment OR PARTIAL  
45 UNEMPLOYMENT shall be deemed to occur during a period of twelve months  
46 after a claimant loses employment as a result of an act constituting a  
47 felony in connection with such employment, provided the claimant is duly  
48 convicted thereof or has signed a statement admitting that he or she has  
49 committed such an act. Determinations regarding a benefit claim may be  
50 reviewed at any time. Any benefits paid to a claimant prior to a deter-  
51 mination that the claimant has lost employment as a result of such act  
52 shall not be considered to have been accepted by the claimant in good  
53 faith. In addition, remuneration paid to the claimant by the affected  
54 employer prior to the claimant's loss of employment due to such criminal  
55 act may not be utilized for the purpose of establishing entitlement to a  
56 subsequent, valid original claim. The provisions of this subdivision

1 shall apply even if the employment lost as a result of such act is not  
2 the claimant's last employment prior to the filing of his or her claim.

3 S 13. Section 594 of the labor law, as amended by chapter 728 of the  
4 laws of 1952 and the opening paragraph as amended by chapter 139 of the  
5 laws of 1968, is amended to read as follows:

6 S 594. Reduction of benefits for false statement. A claimant who has  
7 wilfully made a false statement or representation to obtain any benefit  
8 under the provisions of this article shall forfeit benefits for at least  
9 the first [four] ONE but not more than the first [eighty] TWENTY effec-  
10 tive [days] WEEKS following discovery of such offense for which he  
11 otherwise would have been entitled to receive benefits. Such penalty  
12 shall apply only once with respect to each such offense.

13 For the purpose of subdivision four of section five hundred ninety of  
14 this article, the claimant shall be deemed to have received benefits for  
15 such forfeited effective [days] WEEKS.

16 The penalty provided in this section shall not be confined to a single  
17 benefit year but shall no longer apply in whole or in part after the  
18 expiration of two years from the date on which the offense was commit-  
19 ted.

20 A claimant shall refund all moneys received because of such false  
21 statement or representation made by him.

22 S 14. Subdivisions 1 and 4 of section 596 of the labor law, subdivi-  
23 sion 1 as amended by chapter 204 of the laws of 1982 and subdivision 4  
24 as added by chapter 705 of the laws of 1944 and as renumbered by section  
25 148-a of part B of chapter 436 of the laws of 1997, are amended to read  
26 as follows:

27 1. Claim filing and certification to unemployment. A claimant shall  
28 file a claim for benefits at the local state employment office serving  
29 the area in which he was last employed or in which he resides within  
30 such time and in such manner as the commissioner shall prescribe. He  
31 shall disclose whether he owes child support obligations, as hereafter  
32 defined. If a claimant making such disclosure is eligible for benefits,  
33 the commissioner shall notify the state or local child support enforce-  
34 ment agency, as hereafter defined, that the claimant is eligible.

35 A claimant shall correctly report any [days] WEEKS of employment and  
36 any compensation he received for such employment, including employments  
37 not subject to this article, and the [days on] WEEKS DURING which he was  
38 totally unemployed OR PARTIALLY UNEMPLOYED and shall make such reports  
39 in accordance with such regulations as the commissioner shall prescribe.

40 4. Registration and reporting for work. A claimant shall register as  
41 totally unemployed OR PARTIALLY UNEMPLOYED at a local state employment  
42 office serving the area in which he was last employed or in which he  
43 resides in accordance with such regulations as the commissioner shall  
44 prescribe. After so registering, such claimant shall report for work at  
45 the same local state employment office or otherwise give notice of the  
46 continuance of his unemployment as often and in such manner as the  
47 commissioner shall prescribe.

48 S 15. Paragraph (a) of subdivision 2 of section 599 of the labor law,  
49 as amended by chapter 593 of the laws of 1991, is amended to read as  
50 follows:

51 (a) Notwithstanding any other provision of this chapter, a claimant  
52 attending an approved training course or program under this section may  
53 receive additional benefits of up to [one hundred four] TWENTY-SIX  
54 effective [days] WEEKS following exhaustion of regular and, if in  
55 effect, any other extended benefits, provided that entitlement to a new  
56 benefit claim cannot be established. Certification of continued satis-

1 factory participation and progress in such training course or program  
2 must be submitted to the commissioner prior to the payment of any such  
3 benefits. The duration of such additional benefits shall in no case  
4 exceed twice the number of effective [days] WEEKS of regular benefits to  
5 which the claimant is entitled at the time the claimant is accepted in,  
6 or demonstrates application for appropriate training.

7 S 16. Subdivision 1 of section 600 of the labor law, as added by chap-  
8 ter 793 of the laws of 1963, is amended to read as follows:

9 1. Reduction of benefit rate. If a claimant retires or is retired from  
10 employment by an employer and, due to such retirement, is receiving a  
11 pension or retirement payment under a plan financed in whole or in part  
12 by such employer, such claimant's benefit rate for [four] ONE effective  
13 [days] WEEK otherwise applicable under subdivision seven of section five  
14 hundred ninety OF THIS TITLE shall be reduced as hereinafter provided.

15 S 17. Subdivisions 2, 3 and 4 of section 601 of the labor law, as  
16 amended by chapter 35 of the laws of 2009, are amended to read as  
17 follows:

18 2. Eligibility conditions. Extended benefits shall be payable to a  
19 claimant for effective [days] WEEKS occurring [in any week] within an  
20 eligibility period, provided the claimant

21 (a) has exhausted his or her rights to regular benefits under this  
22 article in his or her current benefit year or, his or her benefit year  
23 having expired prior to such week, he or she does not have the required  
24 weeks of employment or earnings to establish a new benefit year, and he  
25 or she has no rights to benefits under the unemployment insurance law of  
26 any other state;

27 (b) has no rights to unemployment benefits or allowances under the  
28 railroad unemployment insurance act, the trade expansion act of nineteen  
29 hundred sixty-two, the automotive products trade act of nineteen hundred  
30 sixty-five, or such other federal laws as are specified in regulations  
31 issued by the secretary of labor of the United States;

32 (c) has not received and is not seeking unemployment benefits under  
33 the unemployment compensation law of the Virgin Islands or of Canada  
34 unless, if he or she is seeking such benefits, the appropriate agency  
35 finally determines that he or she is not entitled to benefits under such  
36 law;

37 (d) has satisfied the conditions of this article, required to render a  
38 claimant eligible for regular benefits, which are applicable to extended  
39 benefits, including not being subject to a disqualification or suspen-  
40 sion;

41 (e) is not claiming benefits pursuant to an interstate claim filed  
42 under the interstate benefit payment plan in a state where an extended  
43 benefit period is not in effect, except that this condition shall not  
44 apply with respect to the first [eight] THIRTEEN effective [days] WEEKS  
45 for which extended benefits shall otherwise be payable pursuant to an  
46 interstate claim filed under the interstate benefit payment plan; and

47 (f) in his or her base period has remuneration of one and one-half  
48 times the high calendar quarter earnings in accordance with section five  
49 hundred twenty-seven of this article.

50 3. Extended benefit amounts; rate and duration. Extended benefits  
51 shall be paid to a claimant

52 (a) at a rate equal to his or her rate for regular benefits during his  
53 or her applicable benefit year but

54 (b) for not more than [fifty-two] THIRTEEN effective [days] WEEKS with  
55 respect to his or her applicable benefit year, with a total maximum



1 amount equal to fifty percentum of the total maximum amount of regular  
2 benefits payable in such benefit year, and

3 (c) if a claimant's benefit year ends within an extended benefit peri-  
4 od, the remaining balance of extended benefits to which he or she would  
5 be entitled, if any, shall be reduced by the number of effective [days]  
6 WEEKS for which he or she was entitled to receive trade readjustment  
7 allowances under the federal trade act of nineteen hundred seventy-four  
8 during such benefit year, and

9 (d) for periods of high unemployment for not more than eighty effec-  
10 tive days with respect to the applicable benefit year with a total maxi-  
11 mum amount equal to eighty percent of the total maximum amount of regu-  
12 lar benefits payable in such benefit year.

13 4. Charging of extended benefits. The provisions of paragraph (e) of  
14 subdivision one of section five hundred eighty-one of this article shall  
15 apply to benefits paid pursuant to the provisions of this section, and  
16 if they were paid for effective [days occurring in] weeks following the  
17 end of a benefit year, they shall be deemed paid with respect to that  
18 benefit year. However, except for governmental entities as defined in  
19 section five hundred sixty-five and Indian tribes as defined in section  
20 five hundred sixty-six of this article, only one-half of the amount of  
21 such benefits shall be debited to the employers' account; the remainder  
22 thereof shall be debited to the general account, and such account shall  
23 be credited with the amount of payments received in the fund pursuant to  
24 the provisions of the federal-state extended unemployment compensation  
25 act. Notwithstanding the foregoing, where the state has entered an  
26 extended benefit period triggered pursuant to subparagraph one of para-  
27 graph (a) of subdivision one of this section for which federal law  
28 provides for one hundred percent federal sharing of the costs of bene-  
29 fits, all charges shall be debited to the general account and such  
30 account shall be credited with the amount of payments received in the  
31 fund pursuant to the provisions of the federal-state extended unemploy-  
32 ment compensation act or other federal law providing for one hundred  
33 percent federal sharing for the cost of such benefits.

34 S 18. Paragraphs (b) and (e) of subdivision 5 of section 601 of the  
35 labor law, as amended by chapter 35 of the laws of 2009, are amended to  
36 read as follows:

37 (b) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT  
38 shall be deemed to occur [in any week] within an eligibility period  
39 during which a claimant fails to accept any offer of suitable work or  
40 fails to apply for suitable work to which he or she was referred by the  
41 commissioner, who shall make such referral if such work is available, or  
42 during which he or she fails to engage actively in seeking work by  
43 making a systematic and sustained effort to obtain work and providing  
44 tangible evidence of such effort, and until he or she has worked in  
45 employment during at least four subsequent weeks and earned remuneration  
46 of at least four times his or her benefit rate.

47 (e) No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT  
48 shall be deemed to occur [in any week] within an eligibility period  
49 under section five hundred ninety-three of this article, until he or she  
50 has subsequently worked in employment in accordance with the require-  
51 ments set forth in section five hundred ninety-three of this article.

52 S 19. Section 603 of the labor law, as added by chapter 438 of the  
53 laws of 1985, is amended to read as follows:

54 S 603. Definitions. For purposes of this title: "Total unemployment"  
55 shall mean the total lack of any employment [on any day] DURING ANY WEEK  
56 AND "PARTIAL UNEMPLOYMENT" SHALL MEAN ANY EMPLOYMENT DURING ANY WEEK

1 THAT IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID  
2 IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE, other than with an  
3 employer applying for a shared work program. "Full time hours" shall  
4 mean at least thirty-five but not more than forty hours per week, and  
5 shall not include overtime as defined in the Fair Labor Standards Act.  
6 "Work force" shall mean the total work force, a clearly identifiable  
7 unit or units thereof, or a particular shift or shifts.  
8 S 20. This act shall take effect immediately; provided, however, that  
9 the amendments to subdivision 1 of section 591 of the labor law made by  
10 section six of this act shall be subject to the expiration and reversion  
11 of such subdivision pursuant to section 10 of chapter 413 of the laws of  
12 2003, as amended, when upon such date the provisions of section seven of  
13 this act shall take effect; provided, further, that the amendments to  
14 section 591-a of the labor law made by section eight of this act shall  
15 not affect the repeal of such section and shall be deemed repealed ther-  
16ewith.