

7157

2013-2014 Regular Sessions

I N A S S E M B L Y

May 3, 2013

Introduced by M. of A. WRIGHT, JAFFEE, COLTON, ROBINSON, ROSENTHAL, DINOWITZ, MILLMAN, CLARK, NOLAN, MARKEY, RAMOS, LIFTON, LAVINE, PERRY, BOYLAND, O'DONNELL, BRONSON -- Multi-Sponsored by -- M. of A. AUBRY, BENEDETTO, BRENNAN, CAHILL, COOK, GUNTHER, HEASTIE, JACOBS, LUPARDO, PAULIN, PEOPLES-STOKES, PRETLOW, RABBITT, RUSSELL, SCHIMEL, SWEENEY, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Labor

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 chapter 589 of the laws of 1998, is amended to read
3 as follows:
4 (a) "Wages" means all remuneration paid, except that such term does
5 not include remuneration paid to an employee by an employer after [eight
6 thousand five hundred] NINE THOUSAND SEVEN HUNDRED FIFTY dollars have
7 been paid to such employee by such employer with respect to employment
8 during any calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOU-
9 SAND FIFTEEN, NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN
10 EMPLOYER AFTER TWELVE THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO
11 SUCH EMPLOYEE BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY
12 CALENDAR YEAR PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND SIXTEEN,
13 NOR TO INCLUDE REMUNERATION PAID TO AN EMPLOYEE BY AN EMPLOYER AFTER
14 THIRTEEN THOUSAND FIVE HUNDRED DOLLARS HAVE BEEN PAID TO SUCH EMPLOYEE
15 BY SUCH EMPLOYER WITH RESPECT TO EMPLOYMENT DURING ANY CALENDAR YEAR
16 PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND SEVENTEEN. IN EACH
17 SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE BASE AMOUNT
18 OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT PREMIUM TO
19 PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR
20 IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT INSURANCE TRUST

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

LBD00719-02-3

1 FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE
2 NECESSARY. The term "employment" includes for the purposes of this
3 subdivision services constituting employment under any unemployment
4 compensation law of another state or the United States.

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

8 (a) "Wages" means all remuneration paid, except that such term does
9 not include remuneration paid to an employee by an employer after
10 [eight] NINE thousand [five] SEVEN hundred FIFTY dollars have been paid
11 to such employee by such employer with respect to employment during any
12 calendar year PRECEDING THE FIRST DAY OF JANUARY, TWO THOUSAND FOURTEEN,
13 except that such term does not include remuneration paid to an employee
14 by an employer with respect to employment during any calendar year
15 beginning with the first day of

that exceeds

16		
17	January 2014	\$10,300
18	January 2015	[\$10,500] \$12,500
19	January 2016	[\$10,700
20	January 2017	\$10,900
21	January 2018	\$11,100
22	January 2019	\$11,400
23	January 2020	\$11,600
24	January 2021	\$11,800
25	January 2022	\$12,000
26	January 2023	\$12,300
27	January 2024	\$12,500
28	January 2025	\$12,800
29	January 2026	\$13,000

30 and each year thereafter on the first day of January that exceeds
31 sixteen percent of the state's average annual wage as determined by the
32 commissioner on an annual basis pursuant to section five hundred twen-
33 ty-nine of this article; provided, however, that in calculating such
34 maximum amount of remuneration, the amount arrived at by multiplying the
35 state's average annual wage times sixteen percent shall be rounded up to
36 the nearest hundred dollars. In no event shall the state's annual aver-
37 age wage be reduced from the amount determined in the previous year.]
38 \$13,500.

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

47 S 3. Subdivision 5 of section 590 of the labor law, as amended by
48 chapter 413 of the laws of 2003, is amended to read as follows:

49 5. Benefit rate. A claimant's weekly benefit amount shall be one twen-
50 ty-sixth of the remuneration paid during the highest calendar quarter of
51 the base period by employers, liable for contributions or payments in
52 lieu of contributions under this article. However, for claimants whose
53 high calendar quarter remuneration during the base period is three thou-
54 sand five hundred seventy-five dollars or less, the benefit amount shall
55 be one twenty-fifth of the remuneration paid during the highest calendar
56 quarter of the base period by employers liable for contributions or

1 payments in lieu of contributions under this article. Any claimant
2 whose high calendar quarter remuneration during the base period is more
3 than three thousand five hundred seventy-five dollars shall not have a
4 weekly benefit amount less than one hundred forty-three dollars. The
5 weekly benefit amount, so computed, that is not a multiple of one dollar
6 shall be [lowered to] the next multiple of one dollar. On the first
7 Monday of September, nineteen hundred ninety-eight the weekly benefit
8 amount shall not exceed three hundred sixty-five dollars nor be less
9 than forty dollars, until the first Monday of September, two thousand,
10 at which time the maximum benefit payable pursuant to this subdivision
11 shall equal one-half of the state average weekly wage for covered
12 employment as calculated by the department no sooner than July first,
13 two thousand and no later than August first, two thousand, rounded
14 [down] to the [lowest] NEXT dollar. ON THE FIRST MONDAY OF JULY, TWO
15 THOUSAND FOURTEEN, THE WEEKLY BENEFIT SHALL NOT EXCEED FOUR HUNDRED
16 SEVENTY-FIVE DOLLARS NOR LESS THAN SEVENTY-FIVE DOLLARS, UNTIL THE FIRST
17 MONDAY OF JULY, TWO THOUSAND FIFTEEN AT WHICH TIME THE WEEKLY BENEFIT
18 SHALL NOT EXCEED FIVE HUNDRED TWENTY-FIVE DOLLARS, UNTIL THE FIRST
19 MONDAY OF JULY, TWO THOUSAND SIXTEEN AT WHICH TIME THE MAXIMUM WEEKLY
20 BENEFIT SHALL NOT EXCEED SIX HUNDRED DOLLARS UNTIL THE FIRST MONDAY OF
21 JULY, TWO THOUSAND SEVENTEEN, AT WHICH TIME THE MAXIMUM WEEKLY BENEFIT
22 SHALL NOT EXCEED SIX HUNDRED FIFTY DOLLARS UNTIL THE FIRST MONDAY OF
23 JULY, TWO THOUSAND EIGHTEEN AT WHICH TIME THE MAXIMUM BENEFIT PURSUANT
24 TO THIS SUBDIVISION SHALL EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY
25 WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO
26 THOUSAND EIGHTEEN AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND EIGHTEEN
27 AND ON JULY FIRST OF EACH SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL
28 EQUAL ONE-HALF OF THE STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE
29 DEPARTMENT ANNUALLY PURSUANT TO THE MANNER DESCRIBED IN THIS SUBDIVI-
30 SION. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE AVERAGE WEEKLY
31 WAGE" SHALL MEAN THE AVERAGE WEEKLY WAGE OF THE STATE FOR THE PREVIOUS
32 CALENDAR YEAR AS REPORTED BY THE COMMISSIONER TO THE SUPERINTENDENT OF
33 FINANCIAL SERVICES ON MARCH THIRTY-FIRST.

34 S 4. This act shall take effect immediately and shall apply to all
35 claims filed on and after the effective date of this act; provided,
36 however, that section one of this act shall take effect on the thirtieth
37 day after it shall have become a law, and section two of this act shall
38 take effect on the same date and in the same manner as section 1 of part
39 0 of chapter 57 of the laws of 2013 takes effect.