

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. PERALTA -- 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 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
21 FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS ARTICLE, AS MAY BE
22 NECESSARY. The term "employment" includes for the purposes of this
23 subdivision services constituting employment under any unemployment
24 compensation law of another state or the United States.

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

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1 S 2. Subdivision 5 of section 590 of the labor law, as amended by
2 chapter 413 of the laws of 2003, is amended to read as follows:

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

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