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

5020

2013-2014 Regular Sessions

I N S E N A T E

May 6, 2013

Introduced by Sen. HOYLMAN -- 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 requiring the calculation of unemployment benefits to be determined based on the period of employment rather than the period during which salary was paid

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Paragraph (b) of subdivision 2 of section 597 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

(b) Whenever a claimant's base period includes a completed calendar quarter for which a wage data report is not due or has not been received and the claimant provides information as required by the commissioner, the commissioner shall determine such claimant's entitlement and benefit rate using the information the claimant provided for such quarter; PROVIDED, THAT ANY DETERMINATION OF ENTITLEMENT AND BENEFIT RATE DETERMINED BY THE COMMISSIONER PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL BE BASED UPON THE ENTIRE PERIOD THE CLAIMANT HAS WORKED FOR THE EMPLOYER AND NOT ONLY ON THE PERIOD FOR WHICH THE CLAIMANT WAS PAID BY THE EMPLOYER. However, in those instances where the claimant is unable to provide such information to the commissioner's satisfaction, the commissioner may request the employer to provide the amount of remuneration paid to such individual. The commissioner shall notify each base period employer upon the establishment of a valid original claim, of such claim. If an employer provides new or corrected information in response to the initial notice of monetary entitlement, adjustments to the claimant's benefit rate and adjustments to the employer's experience rating account shall be prospective as of the date such information was received by the department.

S 2. This act shall take effect immediately.

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

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