9231

IN ASSEMBLY

February 4, 2016

Introduced by M. of A. RICHARDSON -- 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:

Section 1. Paragraph (a) of subdivision 1 of section 518 of the labor law, as amended by section 1 of part 0 of chapter 57 of the laws of 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 that such term does not include remuneration paid to an employee by an 8 9 employer with respect to employment during any calendar year beginning with the first day of 10 . .

11			that exceeds
12	January	2014	\$10,300
13	January	2015	\$10,500
14	January	2016	\$10,700
15	January	2017	[\$10,900] \$12,500
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
22	January	2024	\$12,500
23	January	2025	\$12,800
24	January	2026	\$13,000
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25 and each year thereafter on the first day of January that exceeds 26 sixteen percent of the state's average annual wage as determined by the 27 commissioner on an annual basis pursuant to section five hundred twen-28 ty-nine of this article; provided, however, that in calculating such

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

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1 maximum amount of remuneration, the amount arrived at by multiplying the 2 state's average annual wage times sixteen percent shall be rounded up to 3 the nearest hundred dollars. In no event shall the state's annual aver-4 age wage be reduced from the amount determined in the previous year] 5 \$13,500

6 IN EACH SUCCEEDING CALENDAR YEAR, THE DEPARTMENT SHALL CALCULATE THE 7 AMOUNT OF REMUNERATION NECESSARY FROM WHICH TO PRODUCE SUFFICIENT BASE 8 PREMIUM TO PROVIDE FOR THE ANNUAL INCREASES IN MAXIMUM WEEKLY BENEFIT PROVIDED FOR IN THIS ARTICLE, AND OTHER FUNDING FOR THE UNEMPLOYMENT 9 10 INSURANCE TRUST FUND PURSUANT TO SECTION FIVE HUNDRED FIFTY OF THIS 11 ARTICLE, AS MAY BE NECESSARY. The term "employment" includes for the 12 purposes of this subdivision services constituting employment under any 13 unemployment compensation law of another state or the United States.

14 S 2. Paragraph (a) of subdivision 5 of section 590 of the labor law, 15 as amended by section 8 of part 0 of chapter 57 of the laws of 2013, is 16 amended to read as follows:

17 A claimant's weekly benefit amount shall be one twenty-sixth of (a) 18 the remuneration paid during the highest calendar quarter of the base 19 period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration 20 21 paid in all four calendar quarters during his or her base period or 22 alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or 23 24 alternate base period and whose high calendar quarter remuneration 25 during the base period is three thousand five hundred seventy-five 26 dollars or less, the benefit amount shall be one twenty-fifth of the 27 remuneration paid during the highest calendar quarter of the base period 28 by employers liable for contributions or payments in lieu of contrib-29 utions under this article. A claimant's weekly benefit shall be one 30 twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers 31 32 liable for contributions or payments in lieu of contributions under this 33 article when the claimant has remuneration paid in two or three calendar 34 quarters provided however, that a claimant whose high calendar quarter 35 four thousand dollars or less but greater than three thousand five is hundred seventy-five dollars shall have a weekly benefit amount of 36 one 37 twenty-sixth of such high calendar quarter. However, for any claimant 38 who has remuneration paid in two or three calendar quarters during his 39 or her base period or alternate base period and whose high calendar 40 quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one 41 twenty-fifth of the remuneration paid during the highest calendar quar-42 43 ter of the base period by employers liable for contributions or payments 44 in lieu of contributions under this article. Any claimant whose high 45 calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly bene-46 47 fit amount less than one hundred forty-three dollars. The weekly benefit amount, so computed, that is not a multiple of one dollar shall be [lowered to] the next multiple of one dollar. On the first Monday of 48 49 50 September, nineteen hundred ninety-eight the weekly benefit amount shall 51 not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which 52 time the maximum benefit payable pursuant to this subdivision shall 53 54 equal one-half of the state average weekly wage for covered employment 55 as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded [down] to the 56

1 [lowest] NEXT dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred 2 3 dollars, nor shall it exceed four hundred twenty dollars until the first 4 Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of 5 6 [October] JULY, two thousand sixteen when the maximum benefit amount 7 shall be four hundred [thirty] SEVENTY-FIVE dollars, until the first 8 Monday of [October] JULY, two thousand seventeen when the maximum beneshall be [four] FIVE hundred [thirty-five] TWENTY-FIVE 9 fit amount 10 dollars, until the first Monday of [October] JULY, two thousand eighteen 11 when the maximum benefit amount shall be [four] SIX hundred [fifty] dollars, until the first Monday of [October] JULY, two thousand nineteen 12 when the maximum benefit amount shall be [thirty-six percent of the average weekly wage] SIX HUNDRED FIFTY DOLLARS, until the first Monday 13 14 15 of [October] JULY, two thousand twenty when the maximum benefit amount shall [be thirty-eight percent of the average weekly wage, until the 16 17 first Monday of October two thousand twenty-one when the maximum benefit 18 amount shall be forty percent of the average weekly wage, until the 19 first Monday of October, two thousand twenty-two when the maximum bene-20 fit amount shall be forty-two percent of the average weekly wage, until 21 the first Monday of October, two thousand twenty-three when the maximum 22 benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the 23 maximum benefit amount shall be forty-six percent of the average weekly 24 25 wage, until the first Monday of October, two thousand twenty-five when 26 the maximum benefit amount shall be forty-eight percent of the average weekly wage, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum 27 28 benefit amount shall be fifty percent of the average weekly wage 29 provided, however, that in no event shall the maximum benefit amount be 30 reduced from the previous year] EQUAL ONE-HALF OF 31 THE STATE AVERAGE 32 WEEKLY WAGE AS CALCULATED BY THE DEPARTMENT NO SOONER THAN JULY FIRST, TWO THOUSAND TWENTY AND NOT LATER THAN AUGUST FIRST, TWO THOUSAND TWENTY 33 34 AND ON JULY FIRST OF EACH SUCCEEDING YEAR THE MAXIMUM BENEFIT SHALL 35 STATE AVERAGE WEEKLY WAGE AS CALCULATED BY THE EOUAL ONE-HALF OF THE DEPARTMENT ANNUALLY PURSUANT TO THE MANNER DESCRIBED IN 36 THIS SUBDIVI-37 SION. FOR PURPOSES OF THIS SUBDIVISION, THE TERM "STATE AVERAGE WEEKLY

WAGE" SHALL MEAN THE AVERAGE WEEKLY WAGE OF THE STATE FOR THE PREVIOUS
 CALENDAR YEAR AS REPORTED BY THE COMMISSIONER TO THE SUPERINTENDENT OF
 FINANCIAL SERVICES ON MARCH THIRTY-FIRST.
 S 3. This act shall take effect immediately and shall apply to all

42 claims filed on and after the effective date of this act; provided, 43 however, that section one of this act shall take effect on the thirtieth 44 day after it shall have become a law.