

2873

2015-2016 Regular Sessions

I N   S E N A T E

January 29, 2015

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Introduced by Sen. SAVINO -- 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 calculation of weekly employment insurance benefits for workers who are partially unemployed; and repealing certain provisions of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 EMPLOYMENT" MEANS ANY EMPLOYMENT DURING ANY WEEK THAT IS  
6     LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID IS LESS  
7     THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S PARTIAL  
8     BENEFIT CREDIT. The term "employment" as used in this section means any  
9     employment including that not defined in 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 Section 523 of the labor law is REPEALED and a new section 523 is  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 PLUS HIS OR HER PARTIAL BENEFIT  
17    CREDIT.  
18    S 3. The labor law is amended by adding a new section 525 to read as  
19    follows:  
20    S 525. PARTIAL BENEFIT CREDIT. "PARTIAL BENEFIT CREDIT" MEANS THAT  
21    PART OF THE COMPENSATION, IF ANY, PAID TO A CLAIMANT WITH RESPECT TO A  
22    WEEK FOR WHICH BENEFITS ARE CLAIMED UNDER THE PROVISIONS OF THIS LAW  
23    WHICH IS NOT IN EXCESS OF FIFTY PER CENTUM OF THE INDIVIDUAL'S WEEKLY  
24    BENEFIT RATE, OR ONE HUNDRED DOLLARS, WHICHEVER IS THE GREATER. SUCH

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

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1 PARTIAL BENEFIT CREDIT, IF NOT A MULTIPLE OF ONE DOLLAR, SHALL BE  
2 COMPUTED TO THE NEXT HIGHER MULTIPLE OF ONE DOLLAR.

3 S 4. Subdivision 4 of section 527 of the labor law, as amended by  
4 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the  
5 laws of 1984, is amended to read as follows:

6 4. General condition. A valid original claim may be filed only in a  
7 week [in which the claimant has at least one effective day of unemploy-  
8 ment] THAT QUALIFIES AS AN EFFECTIVE WEEK OF UNEMPLOYMENT FOR THE CLAIM-  
9 ANT.

10 S 5. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581  
11 of the labor law, as amended by chapter 282 of the laws of 2002 and  
12 clause (v) as added by chapter 106 of the laws of 2007, is amended to  
13 read as follows:

14 (2) Benefits payable to any claimant with respect to the claimant's  
15 then current benefit year shall be charged, when paid, to the account of  
16 the last employer prior to the filing of a valid original claim in an  
17 amount equal to seven times the claimant's benefit rate. Thereafter,  
18 such charges shall be made to the account of each employer in the base  
19 period used to establish the valid original claim in the same proportion  
20 that the remuneration paid by each employer to the claimant during that  
21 base period bears to the remuneration paid by all employers to the  
22 claimant during that base period except as provided below:

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

40 (ii) In those instances where the claimant may not utilize wages paid  
41 to establish entitlement based upon subdivision eleven of section five  
42 hundred ninety of this article and an educational institution is the  
43 claimant's last employer prior to the filing of the claim for benefits,  
44 or the claimant performed services in such educational institution in  
45 such capacity while employed by an educational service agency which is  
46 the claimant's last employer prior to the filing of the claim for bene-  
47 fits, such employer shall not be liable for benefit charges for the  
48 first [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits  
49 paid as otherwise provided by this section. Under such circumstances,  
50 benefits paid will be charged to the general account. In addition, wages  
51 paid during the base period by such educational institutions, or for  
52 services in such educational institutions for claimants employed by an  
53 educational service agency shall not be considered base period wages  
54 during periods that such wages may not be used to gain entitlement to  
55 benefits pursuant to subdivision eleven of section five hundred ninety  
56 of this article. However, in those instances where a claimant was not

1 afforded an opportunity to perform services for the educational institu-  
2 tion for the next academic year or term after reasonable assurance was  
3 provided, such employer shall be liable for benefit charges as provided  
4 for in this paragraph for any retroactive payments made to the claimant.

5 (iii) In those instances where the federal government is the claim-  
6 ant's last employer prior to the filing of the claim for benefits and  
7 such employer is not a base-period employer, payments equaling the first  
8 [twenty-eight effective days] SEVEN EFFECTIVE WEEKS of benefits as  
9 otherwise prescribed by this section shall be charged to the general  
10 account. In those instances where the federal government is the claim-  
11 ant's last employer prior to the filing of the claim for benefits and a  
12 base-period employer, such employer shall be liable for charges for all  
13 benefits paid on such claim in the same proportion that the remuneration  
14 paid by such employer during the base period bears to the remuneration  
15 paid by all employers during the base period. In addition, benefit  
16 payment charges for the first [twenty-eight effective days] SEVEN EFFEC-  
17 TIVE WEEKS of benefits other than those chargeable to the federal  
18 government as prescribed above shall be made to the general account.

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

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

1 S 6. Subdivision 1 of section 590 of the labor law, as amended by  
2 chapter 645 of the laws of 1951, is amended to read as follows:

3 1. Entitlement to benefits. A claimant shall be entitled to accumulate  
4 effective [days] WEEKS for the purpose of benefit rights only if he has  
5 complied with the provisions of this article regarding the filing of his  
6 claim, including the filing of a valid original claim, registered as  
7 totally OR PARTIALLY unemployed, reported his subsequent employment and  
8 unemployment, and reported for work or otherwise given notice of the  
9 continuance of his unemployment.

10 S 7. Subdivision 3 of section 590 of the labor law, as amended by  
11 chapter 645 of the laws of 1951, is amended to read as follows:

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

14 S 8. Subdivision 4 of section 590 of the labor law, as amended by  
15 chapter 457 of the laws of 1987, is amended to read as follows:

16 4. Duration. Benefits shall not be paid [for more than one hundred and  
17 four effective days] IN AN AMOUNT GREATER THAN TWENTY-SIX TIMES THE  
18 CLAIMANT'S WEEKLY BENEFIT RATE in any benefit year, except as provided  
19 in section six hundred one and subdivision two of section five hundred  
20 ninety-nine of this chapter.

21 S 9. Subdivision 5 of section 590 of the labor law is amended by  
22 adding two new paragraphs (c) and (d) to read as follows:

23 (C) BENEFIT FOR PARTIAL UNEMPLOYMENT. EXCEPT AS PROVIDED IN PARAGRAPH  
24 (D) OF THIS SUBDIVISION, ANY CLAIMANT WHO IS PARTIALLY UNEMPLOYED WITH  
25 RESPECT TO ANY EFFECTIVE WEEK SHALL BE PAID, WITH RESPECT TO SUCH EFFEC-  
26 TIVE WEEK, A BENEFIT EQUAL TO HIS WEEKLY BENEFIT RATE LESS THE TOTAL OF  
27 THE REMUNERATION, IF ANY, PAID OR PAYABLE TO HIM WITH RESPECT TO SUCH  
28 WEEK FOR SERVICES PERFORMED WHICH IS IN EXCESS OF HIS PARTIAL BENEFIT  
29 CREDIT.

30 (D) BENEFIT FOR PARTIAL UNEMPLOYMENT FOR CERTAIN CLAIMANTS WORKING ONE  
31 DAY IN A WEEK. ANY CLAIMANT WHO IS PARTIALLY UNEMPLOYED WITH RESPECT TO  
32 ANY EFFECTIVE WEEK BUT WHOSE EMPLOYMENT IS LIMITED TO ONE DAY DURING  
33 THAT EFFECTIVE WEEK AND WHOSE REMUNERATION PAID OR PAYABLE TO HIM WITH  
34 RESPECT TO SUCH WEEK FOR SERVICES PERFORMED IS LESS THAN HIS WEEKLY  
35 BENEFIT RATE SHALL BE PAID, WITH RESPECT TO SUCH EFFECTIVE WEEK, A BENE-  
36 FIT EQUAL TO THREE-QUARTERS OF HIS WEEKLY BENEFIT RATE, OR IF HIGHER,  
37 THE BENEFIT CALCULATED PURSUANT TO PARAGRAPH (C) OF THIS SUBDIVISION.

38 S 10. Subdivision 6 of section 590 of the labor law, as added by chap-  
39 ter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws  
40 of 1977, is amended to read as follows:

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

44 S 11. Subdivision 7 of section 590 of the labor law, as amended by  
45 chapter 415 of the laws of 1983, is amended to read as follows:

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

52 S 12. Subdivision 1 of section 591 of the labor law, as amended by  
53 chapter 413 of the laws of 2003, is amended to read as follows:

54 1. Unemployment. Benefits, except as provided in section five hundred  
55 ninety-one-a of this title, shall be paid only to a claimant who is  
56 totally unemployed OR PARTIALLY UNEMPLOYED and who is unable to engage

1 in his usual employment or in any other for which he is reasonably  
2 fitted by training and experience. A claimant who is receiving benefits  
3 under this article shall not be denied such benefits pursuant to this  
4 subdivision or to subdivision two of this section because of such claim-  
5 ant's service on a grand or petit jury of any state or of the United  
6 States.

7 S 13. Paragraph (a) of subdivision 3 of section 591 of the labor law  
8 is REPEALED and a new paragraph (a) is added to read as follows:

9 (A) COMPENSATION PAID TO A CLAIMANT FOR ANY DAY DURING A PAID VACATION  
10 PERIOD, OR FOR A PAID HOLIDAY, SHALL BE CONSIDERED COMPENSATION FROM  
11 EMPLOYMENT.

12 S 14. Subparagraph (i) of paragraph (b) of subdivision 2 of section  
13 591-a of the labor law, as amended by section 14 of part 0 of chapter 57  
14 of the laws of 2013, is amended to read as follows:

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

21 S 15. Subdivision 2 of section 592 of the labor law, as amended by  
22 chapter 415 of the laws of 1983, is amended to read as follows:

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

31 S 16. Paragraph (a) of subdivision 1 of section 593 of the labor law,  
32 as amended by section 15 of part 0 of chapter 57 of the laws of 2013, is  
33 amended to read as follows:

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

50 S 17. The opening paragraph of subdivision 2 of section 593 of the  
51 labor law, as amended by section 15 of part 0 of chapter 57 of the laws  
52 of 2013, is amended to read as follows:

53 No [days] WEEKS of total unemployment OR PARTIAL UNEMPLOYMENT shall be  
54 deemed to occur beginning with the [day on] WEEK IN which a claimant,  
55 without good cause, refuses to accept an offer of employment for which  
56 he or she is reasonably fitted by training and experience, including

1 employment not subject to this article, until he or she has subsequently  
2 worked in employment and earned remuneration at least equal to ten times  
3 his or her weekly benefit rate. Except that claimants who are not  
4 subject to a recall date or who do not obtain employment through a union  
5 hiring hall and who are still unemployed after receiving ten weeks of  
6 benefits shall be required to accept any employment proffered that such  
7 claimants are capable of performing, provided that such employment would  
8 result in a wage not less than eighty percent of such claimant's high  
9 calendar quarter wages received in the base period and not substantially  
10 less than the prevailing wage for similar work in the locality as  
11 provided for in paragraph (d) of this subdivision. No refusal to accept  
12 employment shall be deemed without good cause nor shall it disqualify  
13 any claimant otherwise eligible to receive benefits if:

14 S 18. Subdivision 3 of section 593 of the labor law, as amended by  
15 section 15 of part O of chapter 57 of the laws of 2013, is amended to  
16 read as follows:

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

22 S 19. Subdivision 4 of section 593 of the labor law, as amended by  
23 chapter 589 of the laws of 1998, is amended to read as follows:

24 4. Criminal acts. No [days] WEEKS of total unemployment OR PARTIAL  
25 UNEMPLOYMENT shall be deemed to occur during a period of twelve months  
26 after a claimant loses employment as a result of an act constituting a  
27 felony in connection with such employment, provided the claimant is duly  
28 convicted thereof or has signed a statement admitting that he or she has  
29 committed such an act. Determinations regarding a benefit claim may be  
30 reviewed at any time. Any benefits paid to a claimant prior to a deter-  
31 mination that the claimant has lost employment as a result of such act  
32 shall not be considered to have been accepted by the claimant in good  
33 faith. In addition, remuneration paid to the claimant by the affected  
34 employer prior to the claimant's loss of employment due to such criminal  
35 act may not be utilized for the purpose of establishing entitlement to a  
36 subsequent, valid original claim. The provisions of this subdivision  
37 shall apply even if the employment lost as a result of such act is not  
38 the claimant's last employment prior to the filing of his or her claim.

39 S 20. Subdivisions 1 and 2 of section 594 of the labor law, as amended  
40 by section 16 of part O of chapter 57 of the laws of 2013, are amended  
41 to read as follows:

42 (1) A claimant who has wilfully made a false statement or represen-  
43 tation to obtain any benefit under the provisions of this article shall  
44 forfeit benefits for at least the first [four] ONE but not more than the  
45 first [eighty] TWENTY effective [days] WEEKS following discovery of such  
46 offense for which he or she otherwise would have been entitled to  
47 receive benefits. Such penalty shall apply only once with respect to  
48 each such offense.

49 (2) For the purpose of subdivision four of section five hundred ninety  
50 of this article, the claimant shall be deemed to have received benefits  
51 for such forfeited effective [days] WEEKS.

52 S 21. Subdivision 1 of section 596 of the labor law, as amended by  
53 chapter 204 of the laws of 1982, is amended to read as follows:

54 1. Claim filing and certification to unemployment. A claimant shall  
55 file a claim for benefits at the local state employment office serving  
56 the area in which he was last employed or in which he resides within

1 such time and in such manner as the commissioner shall prescribe. He  
2 shall disclose whether he owes child support obligations, as hereafter  
3 defined. If a claimant making such disclosure is eligible for benefits,  
4 the commissioner shall notify the state or local child support enforce-  
5 ment agency, as hereafter defined, that the claimant is eligible.

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

11 S 22. Subdivision 4 of section 596 of the labor law, as added by chap-  
12 ter 705 of the laws of 1944, as renumbered by section 148-a of part B of  
13 chapter 436 of the laws of 1997, is amended to read as follows:

14 4. Registration and reporting for work. A claimant shall register as  
15 totally unemployed OR PARTIALLY UNEMPLOYED at a local state employment  
16 office serving the area in which he was last employed or in which he  
17 resides in accordance with such regulations as the commissioner shall  
18 prescribe. After so registering, such claimant shall report for work at  
19 the same local state employment office or otherwise give notice of the  
20 continuance of his unemployment as often and in such manner as the  
21 commissioner shall prescribe.

22 S 23. Paragraph (a) of subdivision 2 of section 599 of the labor law,  
23 as amended by chapter 593 of the laws of 1991, is amended to read as  
24 follows:

25 (a) Notwithstanding any other provision of this chapter, a claimant  
26 attending an approved training course or program under this section may  
27 receive additional benefits of up to [one hundred four] TWENTY-SIX  
28 effective [days] WEEKS following exhaustion of regular and, if in  
29 effect, any other extended benefits, provided that entitlement to a new  
30 benefit claim cannot be established. Certification of continued satis-  
31 factory participation and progress in such training course or program  
32 must be submitted to the commissioner prior to the payment of any such  
33 benefits. The duration of such additional benefits shall in no case  
34 exceed twice the number of effective [days] WEEKS of regular benefits to  
35 which the claimant is entitled at the time the claimant is accepted in,  
36 or demonstrates application for appropriate training.

37 S 24. The opening paragraph and paragraph (e) of subdivision 2 of  
38 section 601 of the labor law, as amended by chapter 35 of the laws of  
39 2009, are amended to read as follows:

40 Extended benefits shall be payable to a claimant for effective [days]  
41 WEEKS occurring [in any week] within an eligibility period, provided the  
42 claimant

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

49 S 25. Paragraphs (b) and (c) of subdivision 3 of section 601 of the  
50 labor law, as amended by chapter 35 of the laws of 2009, are amended to  
51 read as follows:

52 (b) for not more than [fifty-two] THIRTEEN effective [days] WEEKS with  
53 respect to his or her applicable benefit year, with a total maximum  
54 amount equal to fifty percentum of the total maximum amount of regular  
55 benefits payable in such benefit year, and

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

S 26. Subdivision 4 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

4. Charging of extended benefits. The provisions of paragraph (e) of subdivision one of section five hundred eighty-one of this article shall apply to benefits paid pursuant to the provisions of this section, and if they were paid for effective [days occurring in] weeks following the end of a benefit year, they shall be deemed paid with respect to that benefit year. However, except for governmental entities as defined in section five hundred sixty-five and Indian tribes as defined in section five hundred sixty-six of this article, only one-half of the amount of such benefits shall be debited to the employers' account; the remainder thereof shall be debited to the general account, and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act. Notwithstanding the foregoing, where the state has entered an extended benefit period triggered pursuant to subparagraph one of paragraph (a) of subdivision one of this section for which federal law provides for one hundred percent federal sharing of the costs of benefits, all charges shall be debited to the general account and such account shall be credited with the amount of payments received in the fund pursuant to the provisions of the federal-state extended unemployment compensation act or other federal law providing for one hundred percent federal sharing for the cost of such benefits.

S 27. Paragraph (b) of subdivision 5 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

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

S 28. Paragraph (e) of subdivision 5 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009, is amended to read as follows:

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

S 29. Section 603 of the labor law, as amended by section 21 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

S 603. Definitions. For purposes of this title: "Total unemployment" shall mean the total lack of any employment [on any day] DURING ANY WEEK AND "PARTIAL UNEMPLOYMENT" SHALL MEAN ANY EMPLOYMENT DURING ANY WEEK THAT IS LESS THAN FULL-TIME EMPLOYMENT SO LONG AS THE COMPENSATION PAID



1 IS LESS THAN THE CLAIMANT'S WEEKLY BENEFIT RATE PLUS THE CLAIMANT'S  
2 PARTIAL BENEFIT CREDIT, other than with an employer applying for a  
3 shared work program. "Work force" shall mean the total work force, a  
4 clearly identifiable unit or units thereof, or a particular shift or  
5 shifts. The work force subject to reduction shall consist of no less  
6 than two employees.

7 S 30. This act shall take effect immediately, provided, that section  
8 nine of this act shall take effect on the same date and in the same  
9 manner as section 8 of part 0 of chapter 57 of the laws of 2013, takes  
10 effect; and provided further that the amendments to subdivision 1 of  
11 section 591 of the labor law made by section twelve of this act shall  
12 not affect the expiration of such subdivision and shall be deemed  
13 expired therewith provided further that the amendments to section 591-a  
14 of the labor law made by section fourteen of this act shall not affect  
15 the expiration of such section and shall be deemed repealed therewith.