

STATE OF NEW YORK

999

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. CROUCH, HAWLEY -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to unemployment benefits for part-time workers; and to repeal 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. The labor law is amended by adding two new sections 514-a
2 and 514-b to read as follows:

3 § 514-a. Partial benefit credit. "Partial benefit credit" means that
4 part of the compensation, if any, paid to a claimant with respect to a
5 week for which benefits are claimed under the provisions of this article
6 which is not in excess of twenty-five per centum of the individual's
7 weekly benefit rate.

8 § 514-b. Employment incentive credit. "Employment incentive credit"
9 means twenty-five per centum of the total remuneration paid to a claim-
10 ant in excess of the partial benefit credit, provided that when added to
11 the partial benefit credit a claimant's employment incentive credit
12 cannot exceed fifty per centum of the individual's weekly benefit rate.

13 § 2. Section 522 of the labor law, as amended by chapter 720 of the
14 laws of 1953, is amended to read as follows:

15 § 522. Total unemployment and partial unemployment. "Total unemploy-
16 ment" means the total lack of any employment [~~on any day~~] during any
17 week. "Partial unemployment" means any employment during any week that
18 is less than full-time employment so long as the compensation paid is
19 less than the claimant's weekly benefit rate plus the claimant's partial
20 benefit credit plus the employment incentive credit. The term "employ-
21 ment" as used in this section means any employment including that not
22 defined in this title.

23 § 3. Section 523 of the labor law is REPEALED and a new section 523 is
24 added to read as follows:

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

LBD02844-01-9

1 § 523. Effective week. "Effective week" means (a) a week during which
2 a claimant performs no services for which the claimant is paid compen-
3 sation, or (b) a week during which a claimant performs services on a
4 part-time basis for which the claimant is paid compensation that is less
5 than the claimant's weekly benefit rate plus his or her partial benefit
6 credit plus the employment incentive credit.

7 § 4. Subdivision 4 of section 527 of the labor law, as amended by
8 chapter 832 of the laws of 1968 and as renumbered by chapter 381 of the
9 laws of 1984, is amended to read as follows:

10 4. General condition. A valid original claim may be filed only in a
11 week ~~[in which the claimant has at least one effective day of unemploy-~~
12 ~~ment]~~ that qualifies as an effective week of unemployment for the claim-
13 ant.

14 § 5. Subparagraph 2 of paragraph (e) of subdivision 1 of section 581
15 of the labor law, as amended by chapter 282 of the laws of 2002 and
16 clause (v) as added by chapter 106 of the laws of 2007, is amended to
17 read as follows:

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

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

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

educational service agency shall not be considered base period wages during periods that such wages may not be used to gain entitlement to benefits pursuant to subdivision eleven of section five hundred ninety of this article. However, in those instances where a claimant was not afforded an opportunity to perform services for the educational institution for the next academic year or term after reasonable assurance was provided, such employer shall be liable for benefit charges as provided for in this paragraph for any retroactive payments made to the claimant.

(iii) In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and such employer is not a base-period employer, payments equaling the first ~~twenty-eight effective days~~ seven effective weeks of benefits as otherwise prescribed by this section shall be charged to the general account. In those instances where the federal government is the claimant's last employer prior to the filing of the claim for benefits and a base-period employer, such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges for the first ~~twenty-eight effective days~~ seven effective weeks of benefits other than those chargeable to the federal government as prescribed above shall be made to the general account.

(iv) In those instances where a combined wage claim is filed pursuant to interstate reciprocal agreements and the claimant's last employer prior to the filing of the claim is an out-of-state employer and such employer is not a base-period employer, benefit payments equaling the first ~~twenty-eight effective days~~ seven effective weeks of benefits as otherwise prescribed by this section shall be charged to the general account. In those instances where the out-of-state employer is the last employer prior to the filing of the claim for benefits and a base-period employer such employer shall be liable for charges for all benefits paid on such claim in the same proportion that the remuneration paid by such employer during the base period bears to the remuneration paid by all employers during the base period. In addition, benefit payment charges for the ~~twenty-eight effective days~~ seven effective weeks of benefits other than those chargeable to the out-of-state employer as prescribed above shall be made to the general account.

(v) In those instances where the last employer prior to the filing of a valid original claim has paid total remuneration to the claimant during the period from the start of the base period used to establish the benefit claim until the date of the claimant's filing of the valid original claim in an amount less than or equal to six times the claimant's benefit rate and the last employer has substantiated such amount to the satisfaction of the commissioner within ten days of the commissioner's original notice of potential charges to such last employer's account, benefits shall be charged as follows: benefits payable to the claimant with respect to the claimant's then current benefit year shall be charged, when paid, to the account of such last employer prior to the filing of a valid original claim in an amount equal to the lowest whole number (one, two, three, four, five, or six) times the claimant's benefit rate where the product of such lowest whole number times the claimant's benefit rate is equal to or greater than such total remuneration paid by such last employer to the claimant. Thereafter, such charges shall be made to the account of each employer in the base period used to establish the valid original claim in the same proportion that the remuneration paid by each employer to the claimant during that base

1 period bears to the remuneration paid by all employers to the claimant
2 during that base period. Notice of such recalculation of potential
3 charges shall be given to the last employer and each employer of the
4 claimant in the base period used to establish the valid original claim.

5 § 6. Subdivisions 1 and 3 of section 590 of the labor law, as amended
6 by chapter 645 of the laws of 1951, are amended to read as follows:

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

14 3. Compensable periods. Benefits shall be paid for each [~~accumulation~~
15 ~~of~~] effective [~~days within a~~] week.

16 § 7. Subdivision 4 of section 590 of the labor law, as amended by
17 chapter 457 of the laws of 1987, is amended to read as follows:

18 4. Duration. Benefits shall not be paid for more than [~~one hundred and~~
19 ~~four effective days~~] twenty-six effective weeks in any benefit year,
20 except as provided in section six hundred one and subdivision two of
21 section five hundred ninety-nine of this chapter.

22 § 8. Paragraph (a) of subdivision 5 of section 590 of the labor law,
23 as amended by section 8 of part 0 of chapter 57 of the laws of 2013, is
24 amended to read as follows:

25 (a) A claimant's weekly benefit amount shall be one twenty-sixth of
26 the remuneration paid during the highest calendar quarter of the base
27 period by employers, liable for contributions or payments in lieu of
28 contributions under this article, provided the claimant has remuneration
29 paid in all four calendar quarters during his or her base period or
30 alternate base period. However, for any claimant who has remuneration
31 paid in all four calendar quarters during his or her base period or
32 alternate base period and whose high calendar quarter remuneration
33 during the base period is three thousand five hundred seventy-five
34 dollars or less, the benefit amount shall be one twenty-fifth of the
35 remuneration paid during the highest calendar quarter of the base period
36 by employers liable for contributions or payments in lieu of contribu-
37 tions under this article. Any claimant who is partially unemployed
38 with respect to any effective week shall be paid, with respect to such
39 effective week, a benefit amount equal to his or her weekly benefit
40 amount less the total of the remuneration, if any, paid or payable to
41 him or her with respect to such week for services performed which is in
42 excess of his or her partial benefit credit plus his or her employment
43 incentive credit. A claimant's weekly benefit shall be one twenty-sixth
44 of the average remuneration paid in the two highest quarters paid during
45 the base period or alternate base period by employers liable for
46 contributions or payments in lieu of contributions under this article
47 when the claimant has remuneration paid in two or three calendar quar-
48 ters provided however, that a claimant whose high calendar quarter is
49 four thousand dollars or less but greater than three thousand five
50 hundred seventy-five dollars shall have a weekly benefit amount of one
51 twenty-sixth of such high calendar quarter. However, for any claimant
52 who has remuneration paid in two or three calendar quarters during his
53 or her base period or alternate base period and whose high calendar
54 quarter remuneration during the base period is three thousand five
55 hundred seventy-five dollars or less, the benefit amount shall be one
56 twenty-fifth of the remuneration paid during the highest calendar quar-

1 ter of the base period by employers liable for contributions or payments
2 in lieu of contributions under this article. Any claimant whose high
3 calendar quarter remuneration during the base period is more than three
4 thousand five hundred seventy-five dollars shall not have a weekly bene-
5 fit amount less than one hundred forty-three dollars. The weekly benefit
6 amount, so computed, that is not a multiple of one dollar shall be
7 lowered to the next multiple of one dollar. On the first Monday of
8 September, nineteen hundred ninety-eight the weekly benefit amount shall
9 not exceed three hundred sixty-five dollars nor be less than forty
10 dollars, until the first Monday of September, two thousand, at which
11 time the maximum benefit payable pursuant to this subdivision shall
12 equal one-half of the state average weekly wage for covered employment
13 as calculated by the department no sooner than July first, two thousand
14 and no later than August first, two thousand, rounded down to the lowest
15 dollar. On and after the first Monday of October, two thousand fourteen,
16 the weekly benefit shall not be less than one hundred dollars, nor shall
17 it exceed four hundred twenty dollars until the first Monday of October,
18 two thousand fifteen when the maximum benefit amount shall be four
19 hundred twenty-five dollars, until the first Monday of October, two
20 thousand sixteen when the maximum benefit amount shall be four hundred
21 thirty dollars, until the first Monday of October, two thousand seven-
22 teen when the maximum benefit amount shall be four hundred thirty-five
23 dollars, until the first Monday of October, two thousand eighteen when
24 the maximum benefit amount shall be four hundred fifty dollars, until
25 the first Monday of October, two thousand nineteen when the maximum
26 benefit amount shall be thirty-six percent of the average weekly wage
27 until the first Monday of October, two thousand twenty when the maximum
28 benefit amount shall be thirty-eight percent of the average weekly wage,
29 until the first Monday of October two thousand twenty-one when the maxi-
30 mum benefit amount shall be forty percent of the average weekly wage,
31 until the first Monday of October, two thousand twenty-two when the
32 maximum benefit amount shall be forty-two percent of the average weekly
33 wage, until the first Monday of October, two thousand twenty-three when
34 the maximum benefit amount shall be forty-four percent of the average
35 weekly wage, until the first Monday of October, two thousand twenty-four
36 when the maximum benefit amount shall be forty-six percent of the aver-
37 age weekly wage, until the first Monday of October, two thousand twen-
38 ty-five when the maximum benefit amount shall be forty-eight percent of
39 the average weekly wage, until the first Monday of October, two thousand
40 twenty-six and each year thereafter on the first Monday of October when
41 the maximum benefit amount shall be fifty percent of the average weekly
42 wage provided, however, that in no event shall the maximum benefit
43 amount be reduced from the previous year.

44 § 9. Subdivision 6 of section 590 of the labor law, as added by chap-
45 ter 720 of the laws of 1953 and as renumbered by chapter 675 of the laws
46 of 1977, is amended to read as follows:

47 6. Notification requirement. No effective [~~day~~] week shall be counted
48 for any purposes except effective [~~days~~] weeks as to which notification
49 has been given in a manner prescribed by the commissioner.

50 § 10. Subdivision 7 of section 590 of the labor law, as amended by
51 chapter 415 of the laws of 1983, is amended to read as follows:

52 7. Waiting period. A claimant shall not be entitled to accumulate
53 effective [~~days~~] weeks for the purpose of benefit payments until he has
54 accumulated a waiting period of [~~four effective days either wholly with-~~
55 ~~in the week in which he established his valid original claim or partly~~

~~within such week and partly within his benefit year initiated by such claim]~~ one effective week.

§ 11. Subdivision 1 of section 591 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

1. Unemployment. Benefits, except as provided in section five hundred ninety-one-a of this title, shall be paid only to a claimant who is totally unemployed or partially unemployed and who is unable to engage in his usual employment or in any other for which he is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

§ 12. Subdivision 1 of section 591 of the labor law, as amended by chapter 446 of the laws of 1981, is amended to read as follows:

1. Unemployment. Benefits shall be paid only to a claimant who is totally unemployed or partially unemployed and who is unable to engage in his usual employment or in any other for which he is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

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

(i) requirements relating to total unemployment and partial unemployment, as defined in section five hundred twenty-two of this article, availability for work and search for work, as set forth in subdivision two of section five hundred ninety-one of this title and refusal to accept work, as set forth in subdivision two of section five hundred ninety-three of this title, are not applicable to such individuals;

§ 14. Subdivision 2 of section 592 of the labor law, as amended by chapter 415 of the laws of 1983, is amended to read as follows:

2. Concurrent payments prohibited. No ~~[days]~~ weeks of total unemployment or partial unemployment shall be deemed to occur in any week with respect to which ~~[or a part of which]~~ a claimant has received or is seeking unemployment benefits under an unemployment compensation law of any other state or of the United States, provided that this provision shall not apply if the appropriate agency of such other state or of the United States finally determines that he is not entitled to such unemployment benefits.

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

(a) No ~~[days]~~ weeks of total unemployment or partial unemployment shall be deemed to occur after a claimant's voluntary separation without good cause from employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. In addition to other circumstances that may be found to constitute good cause, including a compelling family reason as set forth in paragraph (b) of this subdivision, voluntary separation from employment shall not in itself disqualify a claimant if circumstances have developed in the course of such employment that would have justified the claimant in refusing such employment in the first instance under the terms of subdivision two of this section or if the claimant,

1 pursuant to an option provided under a collective bargaining agreement
2 or written employer plan which permits waiver of his or her right to
3 retain the employment when there is a temporary layoff because of lack
4 of work, has elected to be separated for a temporary period and the
5 employer has consented thereto.

6 § 16. Subdivision 2 of section 593 of the labor law, as amended by
7 chapter 415 of the laws of 1983, the opening paragraph as amended by
8 section 15 of part 0 of chapter 57 of the laws of 2013, paragraph (a) as
9 added by chapter 589 of the laws of 1998 and paragraphs (d) and (e) as
10 amended by chapter 35 of the laws of 2009, is amended to read as
11 follows:

12 2. Refusal of employment. No ~~[days]~~ weeks of total unemployment or
13 partial unemployment shall be deemed to occur beginning with the ~~[day~~
14 ~~on]~~ week in which a claimant, without good cause, refuses to accept an
15 offer of employment for which he or she is reasonably fitted by training
16 and experience, including employment not subject to this article, until
17 he or she has subsequently worked in employment and earned remuneration
18 at least equal to ten times his or her weekly benefit rate. Except that
19 claimants who are not subject to a recall date or who do not obtain
20 employment through a union hiring hall and who are still unemployed
21 after receiving ten weeks of benefits shall be required to accept any
22 employment proffered that such claimants are capable of performing,
23 provided that such employment would result in a wage not less than
24 eighty percent of such claimant's high calendar quarter wages received
25 in the base period and not substantially less than the prevailing wage
26 for similar work in the locality as provided for in paragraph (d) of
27 this subdivision. No refusal to accept employment shall be deemed with-
28 out good cause nor shall it disqualify any claimant otherwise eligible
29 to receive benefits if:

30 (a) a refusal to accept employment which would interfere with a claim-
31 ant's right to join or retain membership in any labor organization or
32 otherwise interfere with or violate the terms of a collective bargaining
33 agreement shall be with good cause; or

34 (b) there is a strike, lockout, or other industrial controversy in the
35 establishment in which the employment is offered; or

36 (c) the employment is at an unreasonable distance from his residence,
37 or travel to and from the place of employment involves expense substan-
38 tially greater than that required in his or her former employment unless
39 the expense be provided for; or

40 (d) the wages or compensation or hours or conditions offered are
41 substantially less favorable to the claimant than those prevailing for
42 similar work in the locality, or are such as tend to depress wages or
43 working conditions; or

44 (e) the claimant is seeking part-time work as provided in subdivision
45 five of section five hundred ninety-six of this title and the offer of
46 employment is not comparable to his or her part-time work as defined in
47 such subdivision.

48 § 17. Subdivisions 3 and 4 of section 593 of the labor law, subdivi-
49 sion 3 as amended by section 15 of part 0 of chapter 57 of the laws of
50 2013 and subdivision 4 as amended by chapter 589 of the laws of 1998,
51 are amended to read as follows:

52 3. Misconduct. No ~~[days]~~ weeks of total unemployment or partial unem-
53 ployment shall be deemed to occur after a claimant lost employment
54 through misconduct in connection with his or her employment until he or
55 she has subsequently worked in employment and earned remuneration at
56 least equal to ten times his or her weekly benefit rate.

1 4. Criminal acts. No ~~[days]~~ weeks of total unemployment or partial
2 unemployment shall be deemed to occur during a period of twelve months
3 after a claimant loses employment as a result of an act constituting a
4 felony in connection with such employment, provided the claimant is duly
5 convicted thereof or has signed a statement admitting that he or she has
6 committed such an act. Determinations regarding a benefit claim may be
7 reviewed at any time. Any benefits paid to a claimant prior to a deter-
8 mination that the claimant has lost employment as a result of such act
9 shall not be considered to have been accepted by the claimant in good
10 faith. In addition, remuneration paid to the claimant by the affected
11 employer prior to the claimant's loss of employment due to such criminal
12 act may not be utilized for the purpose of establishing entitlement to a
13 subsequent, valid original claim. The provisions of this subdivision
14 shall apply even if the employment lost as a result of such act is not
15 the claimant's last employment prior to the filing of his or her claim.

16 § 18. Subdivisions 1 and 2 of section 594 of the labor law, as amended
17 by section 16 of part 0 of chapter 57 of the laws of 2013, are amended
18 to read as follows:

19 (1) A claimant who has wilfully made a false statement or represen-
20 tation to obtain any benefit under the provisions of this article shall
21 forfeit benefits for at least the first ~~[four]~~ one but not more than the
22 first ~~[eighty]~~ twenty effective ~~[days]~~ weeks following discovery of such
23 offense for which he or she otherwise would have been entitled to
24 receive benefits. Such penalty shall apply only once with respect to
25 each such offense.

26 (2) For the purpose of subdivision four of section five hundred ninety
27 of this article, the claimant shall be deemed to have received benefits
28 for such forfeited effective ~~[days]~~ weeks.

29 § 19. Subdivision 1 of section 596 of the labor law, as amended by
30 chapter 204 of the laws of 1982, is amended to read as follows:

31 1. Claim filing and certification to unemployment. A claimant shall
32 file a claim for benefits at the local state employment office serving
33 the area in which he was last employed or in which he resides within
34 such time and in such manner as the commissioner shall prescribe. He
35 shall disclose whether he owes child support obligations, as hereafter
36 defined. If a claimant making such disclosure is eligible for benefits,
37 the commissioner shall notify the state or local child support enforce-
38 ment agency, as hereafter defined, that the claimant is eligible.

39 A claimant shall correctly report any ~~[days]~~ weeks of employment and
40 any compensation he received for such employment, including employments
41 not subject to this article, and the ~~[days-on-]~~ weeks during which he
42 was totally unemployed or partially unemployed and shall make such
43 reports in accordance with such regulations as the commissioner shall
44 prescribe.

45 § 20. Subdivision 4 of section 596 of the labor law, as added by chap-
46 ter 705 of the laws of 1944 and as renumbered by section 148-a of part B
47 of chapter 436 of the laws of 1997, is amended to read as follows:

48 4. Registration and reporting for work. A claimant shall register as
49 totally unemployed or partially unemployed at a local state employment
50 office serving the area in which he was last employed or in which he
51 resides in accordance with such regulations as the commissioner shall
52 prescribe. After so registering, such claimant shall report for work at
53 the same local state employment office or otherwise give notice of the
54 continuance of his unemployment as often and in such manner as the
55 commissioner shall prescribe.

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

(a) Notwithstanding any other provision of this chapter, a claimant attending an approved training course or program under this section may receive additional benefits of up to ~~[one hundred four]~~ twenty-six effective ~~[days]~~ weeks following exhaustion of regular and, if in effect, any other extended benefits, provided that entitlement to a new benefit claim cannot be established. Certification of continued satisfactory participation and progress in such training course or program must be submitted to the commissioner prior to the payment of any such benefits. The duration of such additional benefits shall in no case exceed twice the number of effective ~~[days]~~ weeks of regular benefits to which the claimant is entitled at the time the claimant is accepted in, or demonstrates application for appropriate training.

§ 22. Subdivisions 2, 3 and 4 of section 601 of the labor law, as amended by chapter 35 of the laws of 2009 and paragraph (d) of subdivision 2 as amended by section 3 of part Z of chapter 57 of the laws of 2013, are amended to read as follows:

2. Eligibility conditions. Extended benefits shall be payable to a claimant for effective ~~[days]~~ weeks occurring ~~[in any week]~~ within an eligibility period, provided the claimant

(a) has exhausted his or her rights to regular benefits under this article in his or her current benefit year or, his or her benefit year having expired prior to such week, he or she does not have the required weeks of employment or earnings to establish a new benefit year, and he or she has no rights to benefits under the unemployment insurance law of any other state;

(b) has no rights to unemployment benefits or allowances under the railroad unemployment insurance act, the trade expansion act of nineteen hundred sixty-two, the automotive products trade act of nineteen hundred sixty-five, or such other federal laws as are specified in regulations issued by the secretary of labor of the United States;

(c) has not received and is not seeking unemployment benefits under the unemployment compensation law of the Virgin Islands or of Canada unless, if he or she is seeking such benefits, the appropriate agency finally determines that he or she is not entitled to benefits under such law;

(d) has satisfied the conditions of this article, required to render a claimant eligible for regular benefits, which are applicable to extended benefits, including not being subject to a disqualification or suspension, or has satisfied the conditions of this article required to render a claimant eligible to participate in the self-employment assistance program pursuant to section five hundred ninety-one-a of this title and the Federal-State Extended Unemployment Compensation Act of 1970;

(e) is not claiming benefits pursuant to an interstate claim filed under the interstate benefit payment plan in a state where an extended benefit period is not in effect, except that this condition shall not apply with respect to the first ~~[eight]~~ thirteen effective ~~[days]~~ weeks for which extended benefits shall otherwise be payable pursuant to an interstate claim filed under the interstate benefit payment plan; and

(f) in his or her base period has remuneration of one and one-half times the high calendar quarter earnings in accordance with section five hundred twenty-seven of this article.

3. Extended benefit amounts; rate and duration. Extended benefits shall be paid to a claimant

1 (a) at a rate equal to his or her rate for regular benefits during his
2 or her applicable benefit year but

3 (b) for not more than ~~[fifty-two]~~ thirteen effective ~~[days]~~ weeks with
4 respect to his or her applicable benefit year, with a total maximum
5 amount equal to fifty percentum of the total maximum amount of regular
6 benefits payable in such benefit year, and

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

13 (d) for periods of high unemployment for not more than eighty effec-
14 tive days with respect to the applicable benefit year with a total maxi-
15 mum amount equal to eighty percent of the total maximum amount of regu-
16 lar benefits payable in such benefit year.

17 4. Charging of extended benefits. The provisions of paragraph (e) of
18 subdivision one of section five hundred eighty-one of this article shall
19 apply to benefits paid pursuant to the provisions of this section, and
20 if they were paid for effective ~~[days-occurring-in]~~ weeks following the
21 end of a benefit year, they shall be deemed paid with respect to that
22 benefit year. However, except for governmental entities as defined in
23 section five hundred sixty-five and Indian tribes as defined in section
24 five hundred sixty-six of this article, only one-half of the amount of
25 such benefits shall be debited to the employers' account; the remainder
26 thereof shall be debited to the general account, and such account shall
27 be credited with the amount of payments received in the fund pursuant to
28 the provisions of the federal-state extended unemployment compensation
29 act. Notwithstanding the foregoing, where the state has entered an
30 extended benefit period triggered pursuant to subparagraph one of para-
31 graph (a) of subdivision one of this section for which federal law
32 provides for one hundred percent federal sharing of the costs of bene-
33 fits, all charges shall be debited to the general account and such
34 account shall be credited with the amount of payments received in the
35 fund pursuant to the provisions of the federal-state extended unemploy-
36 ment compensation act or other federal law providing for one hundred
37 percent federal sharing for the cost of such benefits.

38 § 23. Paragraphs (b) and (e) of subdivision 5 of section 601 of the
39 labor law, as amended by chapter 35 of the laws of 2009, are amended to
40 read as follows:

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

51 (e) No ~~[days]~~ weeks of total unemployment or partial unemployment
52 shall be deemed to occur ~~[in any week]~~ within an eligibility period
53 under section five hundred ninety-three of this article, until he or she
54 has subsequently worked in employment in accordance with the require-
55 ments set forth in section five hundred ninety-three of this article.

1 § 24. Section 603 of the labor law, as amended by section 21 of part 0
2 of chapter 57 of the laws of 2013, is amended to read as follows:

3 § 603. Definitions. For purposes of this title: "Total unemployment"
4 shall mean the total lack of any employment [~~on any day~~] during any week
5 and "partial employment" shall mean any employment during any week that
6 is less than full-time employment so long as the compensation paid is
7 less than the claimant's weekly benefit rate plus the claimant's partial
8 benefit credit plus the employment incentive credit, other than with an
9 employer applying for a shared work program. "Work force" shall mean the
10 total work force, a clearly identifiable unit or units thereof, or a
11 particular shift or shifts. The work force subject to reduction shall
12 consist of no less than two employees.

13 § 25. This act shall take effect immediately; provided, however, that
14 the amendments to subdivision 1 of section 591 of the labor law made by
15 section eleven of this act shall be subject to the expiration and rever-
16 sion of such subdivision pursuant to section 10 of chapter 413 of the
17 laws of 2003, as amended, when upon such date the provisions of section
18 twelve of this act shall take effect; provided, further, that the amend-
19 ments to section 591-a of the labor law made by section thirteen of this
20 act shall not affect the repeal of such section and shall be deemed
21 repealed therewith.