

# STATE OF NEW YORK

7150

2021-2022 Regular Sessions

## IN ASSEMBLY

April 23, 2021

Introduced by M. of A. RICHARDSON, NIOU -- Multi-Sponsored by -- M. of A. DURSO, SIMON -- 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:

(a) "Wages" means all remuneration paid, except that such term does not include remuneration paid to an employee by an employer after eight thousand five hundred dollars have been paid to such employee by such employer with respect to employment during any calendar year, except that such term does not include remuneration paid to an employee by an employer with respect to employment during any calendar year beginning with the first day of

that exceeds

January 2014	\$10,300
January 2015	\$10,500
January 2016	\$10,700
January 2017	\$10,900
January 2018	\$11,100
January 2019	\$11,400
January 2020	\$11,600
January 2021	\$11,800
January 2022	[ <del>\$12,000</del> ] <u>\$12,500</u>
January 2023	[ <del>\$12,300</del> ]
<del>January 2024</del>	<del>\$12,500</del>
<del>January 2025</del>	<del>\$12,800</del>
<del>January 2026</del>	<del>\$13,000</del>

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

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~~and each year thereafter on the first day of January that exceeds sixteen percent of the state's average annual wage as determined by the commissioner on an annual basis pursuant to section five hundred twenty-nine of this article; provided, however, that in calculating such maximum amount of remuneration, the amount arrived at by multiplying the state's average annual wage times sixteen percent shall be rounded up to the nearest hundred dollars. In no event shall the state's annual average wage be reduced from the amount determined in the previous year]~~  
\$13,500

In each succeeding calendar year, the department shall calculate the base amount of remuneration necessary from which to produce sufficient premium to provide for the annual increases in maximum weekly benefit provided for in this article, and other funding for the unemployment insurance trust fund pursuant to section five hundred fifty of this article, as may be necessary. The term "employment" includes for the purposes of this subdivision services constituting employment under any unemployment compensation law of another state or the United States.

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

(a) A claimant's weekly benefit amount shall be one twenty-sixth of the remuneration paid during the highest calendar quarter of the base period by employers, liable for contributions or payments in lieu of contributions under this article, provided the claimant has remuneration paid in all four calendar quarters during his or her base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. A claimant's weekly benefit shall be one twenty-sixth of the average remuneration paid in the two highest quarters paid during the base period or alternate base period by employers liable for contributions or payments in lieu of contributions under this article when the claimant has remuneration paid in two or three calendar quarters provided however, that a claimant whose high calendar quarter is four thousand dollars or less but greater than three thousand five hundred seventy-five dollars shall have a weekly benefit amount of one twenty-sixth of such high calendar quarter. However, for any claimant who has remuneration paid in two or three calendar quarters during his or her base period or alternate base period and whose high calendar quarter remuneration during the base period is three thousand five hundred seventy-five dollars or less, the benefit amount shall be one twenty-fifth of the remuneration paid during the highest calendar quarter of the base period by employers liable for contributions or payments in lieu of contributions under this article. Any claimant whose high calendar quarter remuneration during the base period is more than three thousand five hundred seventy-five dollars shall not have a weekly benefit 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 September, nineteen hundred ninety-eight the weekly benefit amount shall not exceed three hundred sixty-five dollars nor be less than forty dollars, until the first Monday of September, two thousand, at which

1 time the maximum benefit payable pursuant to this subdivision shall  
2 equal one-half of the state average weekly wage for covered employment  
3 as calculated by the department no sooner than July first, two thousand  
4 and no later than August first, two thousand, rounded [~~down~~] to the  
5 [~~lowest~~] next dollar. On and after the first Monday of October, two  
6 thousand fourteen, the weekly benefit shall not be less than one hundred  
7 dollars, nor shall it exceed four hundred twenty dollars until the first  
8 Monday of October, two thousand fifteen when the maximum benefit amount  
9 shall be four hundred twenty-five dollars, until the first Monday of  
10 October, two thousand sixteen when the maximum benefit amount shall be  
11 four hundred thirty dollars, until the first Monday of October, two  
12 thousand seventeen when the maximum benefit amount shall be four hundred  
13 thirty-five dollars, until the first Monday of October, two thousand  
14 eighteen when the maximum benefit amount shall be four hundred fifty  
15 dollars, until the first Monday of October, two thousand nineteen when  
16 the maximum benefit amount shall be thirty-six percent of the average  
17 weekly wage until the first Monday of October, two thousand twenty when  
18 the maximum benefit amount shall be thirty-eight percent of the average  
19 weekly wage, until the first Monday of [~~October~~] July two thousand twen-  
20 ty-one when the maximum benefit amount shall be [~~forty percent of the~~  
21 ~~average weekly wage~~] six hundred fifty dollars, until the first Monday  
22 of [~~October~~] July, two thousand twenty-two when the maximum benefit  
23 amount shall [~~be forty-two percent of the average weekly wage, until the~~  
24 ~~first Monday of October, two thousand twenty-three when the maximum~~  
25 ~~benefit amount shall be forty-four percent of the average weekly wage,~~  
26 ~~until the first Monday of October, two thousand twenty-four when the~~  
27 ~~maximum benefit amount shall be forty-six percent of the average weekly~~  
28 ~~wage, until the first Monday of October, two thousand twenty-five when~~  
29 ~~the maximum benefit amount shall be forty-eight percent of the average~~  
30 ~~weekly wage, until the first Monday of October, two thousand twenty-six~~  
31 ~~and each year thereafter on the first Monday of October when the maximum~~  
32 ~~benefit amount shall be fifty percent of the average weekly wage~~  
33 ~~provided, however, that in no event shall the maximum benefit amount be~~  
34 ~~reduced from the previous year~~] equal one-half of the state average  
35 weekly wage as calculated by the department no sooner than July first,  
36 two thousand twenty-two and not later than August first, two thousand  
37 twenty-two and on July first of each succeeding year the maximum benefit  
38 shall equal one-half of the state average weekly wage as calculated by  
39 the department annually pursuant to the manner described in this subdi-  
40 vision. 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 § 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.