§ 590. Rights to benefits. 1. Entitlement to benefits. A claimant shall be entitled to accumulate effective weeks for the purpose of benefit rights only if he has complied with the provisions of this article regarding the filing of his claim, including the filing of a valid original claim, registered as totally or partially unemployed, reported his subsequent employment and unemployment, and reported for work or otherwise given notice of the continuance of his unemployment.

2. Notice of eligibility upon separation from employment. Every employer liable under this article for contributions shall inform each employee of their right to file an application for unemployment benefits with the department. Such information shall be given at the time of each permanent or indefinite separation from employment, reduction in hours, temporary separation, and any other interruption of continued employment that results in total or partial unemployment. Such notice shall be given in writing on a form furnished or approved by the department and shall include:

(a) the employer's name and registration number;

(b) the address of the employer to which a request for remuneration and employment information with respect to such employee must be directed; and

(c) such other information as is required by the commissioner.

3. Compensable periods. Benefits shall be paid for each effective week.

4. Duration. Benefits shall not be paid in an amount greater than twenty-six times the claimant's weekly benefit rate in any benefit year, except as provided in section six hundred one and subdivision two of section five hundred ninety-nine of this chapter.

* 5. Benefit rate. (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 time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October, two

thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty when the maximum benefit amount shall be thirty-eight percent of the average weekly wage, until the first Monday of October two thousand twenty-one when the maximum benefit amount shall be forty percent of the average weekly wage, until the first Monday of October, two thousand twenty-two when the maximum benefit amount shall be forty-two percent of the average weekly wage, until the first Monday of October, two thousand twenty-three when the maximum benefit amount shall be forty-four percent of the average weekly wage, until the first Monday of October, two thousand twenty-four when the maximum benefit amount shall be forty-six percent of the average weekly wage, until the first Monday of October, two thousand twenty-five when 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 benefit amount shall be fifty percent of the average weekly wage provided, however, that in no event shall the maximum benefit amount be reduced from the previous year.

(b) Notwithstanding the foregoing, the maximum benefit amount shall not be increased in accordance with the schedule set forth in paragraph (a) of this subdivision in any year in which the balance of the fund is determined by the commissioner to not have reached or exceeded thirty percent of the average high cost multiple, as defined in 20 CFR Part 606 as the standard for receipt of interest-free federal loans, on at least one day between April first and June thirtieth of the same calendar year as the increase shall take effect. If, following such suspension of an increase in the maximum benefit amount, the commissioner shall determine, on at least one day between April first and June thirtieth that the balance of the fund is greater than such thirty percent average

high cost multiple, then the maximum benefit amount shall increase to the percentage for the year previously scheduled to be established pursuant to paragraph (a) of this subdivision had the increase not been suspended and increased annually thereafter in accordance with the schedule set forth in paragraph (a) of this subdivision. In no case shall such suspension result in a reduction of the maximum benefit amount to less than the amount provided in the most recent year.

(c) Benefit for partial unemployment. Except as provided in paragraph (d) of this subdivision, any claimant who is partially unemployed with respect to any effective week shall be paid, with respect to such effective week, a benefit equal to his weekly benefit rate less the total of the remuneration, if any, paid or payable to him with respect to such week for services performed which is in excess of his partial benefit credit.

* NB Effective until certain provisions are met (see Ch. 56 of 2025, Part KK, § 4)

* 5. Benefit rate. (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 such claimant's base period or alternate base period. However, for any claimant who has remuneration paid in all four calendar quarters during such claimant's 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 such claimant's 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 time the maximum benefit payable pursuant to this subdivision shall equal one-half of the state average weekly wage for covered employment as calculated by the department no sooner than July first, two thousand and no later than August first, two thousand, rounded down to the lowest dollar. On and after the first Monday of October, two thousand fourteen, the weekly benefit shall not be less than one hundred dollars, nor shall it exceed four hundred twenty dollars until the first Monday of October, two thousand fifteen when the maximum benefit amount shall be four hundred twenty-five dollars, until the first Monday of October, two thousand sixteen when the maximum benefit amount shall be four hundred thirty dollars, until the first Monday of October, two thousand seventeen when the maximum benefit amount shall be four hundred thirty-five dollars, until the first Monday of October, two thousand eighteen when the maximum benefit amount shall be four hundred fifty dollars, until the first Monday of October, two thousand nineteen when the maximum benefit amount shall be thirty-six percent of the average weekly wage until the first Monday of October, two thousand twenty-five when the maximum benefit amount shall be eight hundred sixty-nine dollars, until the first Monday of October, two thousand twenty-six and each year thereafter on the first Monday of October when the maximum benefit amount shall be fifty percent of the average weekly wage provided,

however, that in no event shall the maximum benefit amount be reduced from the previous year.

(b) Notwithstanding the foregoing, except for the increase to the maximum benefit amount that is scheduled to occur on the first Monday of October in the year two thousand twenty-five, the maximum benefit amount shall not be increased in accordance with the schedule set forth in paragraph (a) of this subdivision in any year in which the balance of the fund is determined by the commissioner to not have reached or exceeded thirty percent of the average high cost multiple, as defined in 20 CFR Part 606 as the standard for receipt of interest-free federal loans, on at least one day between April first and June thirtieth of the same calendar year as the increase shall take effect. If, following such suspension of an increase in the maximum benefit amount, the commissioner shall determine, on at least one day between April first and June thirtieth that the balance of the fund is greater than such thirty percent average high cost multiple, then the maximum benefit amount shall increase to the percentage for the year previously scheduled to be established pursuant to paragraph (a) of this subdivision had the increase not been suspended and increased annually thereafter in accordance with the schedule set forth in paragraph (a) of this subdivision. In no case shall such suspension result in a reduction of the maximum benefit amount to less than the amount provided in the most recent year.

(c) Benefit for partial unemployment. Any claimant who is partially unemployed with respect to any effective week shall be paid, with respect to such effective week, a benefit equal to their weekly benefit rate less the total of the remuneration, if any, paid or payable to them with respect to such week for services performed which is in excess of their partial benefit credit.

* NB Effective upon certain provisions (see Ch. 56 of 2025, Part KK, § 4)

6. Notification requirement. No effective week shall be counted for any purposes except effective weeks as to which notification has been given in a manner prescribed by the commissioner.

7. Waiting period. A claimant shall not be entitled to accumulate

effective weeks for the purpose of benefit payments until he has accumulated a waiting period of one effective week.

8. Benefit payments to professional athletes. If substantially all of a claimant's employment during his base period is as a participant in sports or athletic events or in training or preparing to so participate, no benefits shall be payable for any week commencing during the period between two successive sports seasons or similar periods, provided there is a reasonable assurance that the claimant will perform services in such capacity for both of such seasons or similar periods.

For the purposes of this subdivision, "reasonable assurance" shall mean a written contract that the claimant will perform services in the same capacity during the ensuing sports season or similar period or a claimant's offering of services in the successive season or similar period and an interest by an employer in employing him.

9. Benefits based on employment performed by undocumented noncitizens. (a) Remuneration received by a claimant who was a noncitizen at the time such remuneration was paid shall not be taken into consideration for the purpose of establishing rights to benefits under this article unless the claimant was then lawfully admitted for permanent residence in the United States, was then lawfully present for purposes of performing such services or was then permanently residing in the United States under color of law, including a claimant lawfully present pursuant to section 207 or 208 of the federal immigration and nationality act.

(b) A determination that benefits are not payable to a claimant because of the claimant's noncitizen status shall be made only upon a preponderance of the evidence, and shall be effective only if it is in conformity with section 3304 (a) (14) of the federal unemployment tax act.

(c) Any data or information required of a claimant to determine whether benefits are not payable to such claimant because of noncitizen status shall be uniformly required from all claimants.

(d) A noncitizen who is not eligible under 8 USC 1621(a) shall be eligible for benefits, provided such noncitizen is eligible for benefits under the provisions of this article and section 3304 (a) (14) of the

federal unemployment tax act.

10. Benefits based on professional employment with educational institutions, including the state university of New York, the city university of New York and any public community colleges. If a claimant was employed in an instructional, research, or principal administrative capacity by an institution of education, including the state university of New York, the city university of New York and any public community colleges, or performed services in such an institution in such capacity while employed by an educational service agency, the following shall apply to any week commencing during the period between two successive academic years or terms, or during a similar period between two regular but not successive terms when the contract provides therefor instead, provided the claimant has a contract to perform, or there is a reasonable assurance that the claimant will perform, services in such capacity for any such institution or institutions for both of such academic years or such terms, and to any week commencing during an established and customary vacation period or holiday recess, not between such academic terms or years, provided the claimant performed services for such institution immediately before such vacation period or holiday recess and there is a reasonable assurance that the claimant will perform any services described in this subdivision or subdivision eleven of this section in the period immediately following such vacation period or holiday recess:

(a) In the case of a claimant who has no current benefit year, whether the claimant meets the conditions of section five hundred twenty-seven in any such week shall be determined by disregarding the remuneration paid for such employment.

(b) In the case of a claimant who does have a current benefit year, no benefits shall be payable with respect to any such week provided the claimant would not have met the conditions of section five hundred twenty-seven in the week in which the claimant filed a valid original claim if the remuneration paid for such employment is disregarded.

(c) The benefit rate of a claimant with respect to any such week shall be determined or redetermined by disregarding the remuneration paid for such employment.

"Educational service agency" means a governmental agency or

governmental entity or Indian tribal entity which is established and operated exclusively for the purpose of providing to one or more educational institutions services mentioned under this subdivision or subdivision eleven of this section.

For purposes of this subdivision or subdivision eleven of this section, "educational institution" shall include any not-for-profit community art school which is chartered as a school by the board of regents of the university of state of New York.

11. Benefits based on non-professional employment with certain educational institutions. If a claimant was employed in other than an instructional, research or principal administrative capacity by an educational institution, or performed services in such an institution in such capacity while employed by an educational service agency, the following shall apply to any week commencing during the period between two successive academic years or terms provided there is a reasonable assurance that the claimant will perform services in such capacity for any such institution or institutions for both of such academic years or terms, and to any week commencing during an established and customary vacation period or holiday recess, not between such academic terms or years, provided the claimant performed services for such institution immediately before such vacation period or holiday recess and there is a reasonable assurance that the claimant will perform any services described in this subdivision or subdivision ten of this section in the period immediately following such vacation period or holiday recess:

(a) In the case of a claimant who has no current benefit year, whether the claimant meets the conditions of section five hundred twenty-seven in any such week shall be determined by disregarding the remuneration paid for such employment.

(b) In the case of a claimant who does have a current benefit year, no benefits shall be payable with respect to any such week provided the claimant would not have met the conditions of section five hundred twenty-seven in the week in which the claimant filed a valid original claim if the remuneration paid for such employment is disregarded.

(c) The benefit rate of a claimant with respect to any such week shall be determined or redetermined by disregarding the remuneration paid for

such employment.

(d) Notwithstanding the foregoing provisions of this subdivision, a claimant who was not offered an opportunity to perform services for the educational institution for the second of such academic years or terms shall be entitled to be paid benefits retroactively for each week for which the claimant filed a timely claim for benefits and for which benefits were denied solely by reason of this subdivision.

"Educational service agency" means a governmental agency or governmental entity or Indian tribal entity which is established and operated exclusively for the purpose of providing to one or more educational institutions services mentioned under this subdivision or subdivision ten of this section.

12. An individual claimant who has received a determination of entitlement pursuant to section five hundred twenty-seven of this article may request the commissioner to reconsider the benefit rate to which such claimant is entitled under the following circumstances:

(a)(1) the claimant filed a valid original claim pursuant to subdivision one or two of section five hundred twenty-seven of this article or, in the event the claimant exercised his or her right to apply to the commissioner to determine his or her benefits pursuant to paragraph (b) of subdivision two of such section, the claimant selected the base period to be utilized; and

(2) after the establishment of the base period to utilize pursuant to subparagraph one of this paragraph, and within ten days of the date of the mailing of the determination of the benefit rate to which the claimant is entitled for such base period by the commissioner, the claimant produces proof satisfactory to the commissioner and consistent with wage data contained in the statewide wage reporting system maintained by the department of taxation and finance or, in the commissioner's sole discretion, sufficient to warrant its use in the event that it is inconsistent with such wage data, that he or she has at least twenty weeks of employment, as defined in section five hundred twenty-four of this chapter, in such established base period. Such proof shall include paycheck stubs, payroll envelopes, or cancelled checks.

(b) in the event that a claimant submits a request for reconsideration of the benefit rate to the commissioner pursuant to paragraph (a) of

this subdivision, and one-half of the average weekly wage of all wages paid for all weeks of employment for which proof satisfactory to the commissioner was submitted pursuant to subparagraph two of paragraph (a) of this subdivision during the established base period referenced in such paragraph is at least five dollars more than the weekly benefit amount calculated pursuant to subdivision five of this section, the commissioner shall determine the claimant's benefit rate to be such amount, but in no event shall such amount be more than the maximum benefit rate in effect pursuant to subdivision five of this section.