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2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GALLIVAN -- 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 disqualification for benefits and refusal of employment

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1 Subdivision 2 of section 593 of the labor law, as amended by
2 chapter 415 of the laws of 1983, the opening paragraph as amended by
3 chapter 5 of the laws of 2000, paragraph (a) as added by chapter 589 of
4 the laws of 1998 and paragraphs (d) and (e) as amended by chapter 35 of
5 the laws of 2009, is amended to read as follows:
6 2. Refusal of employment. No days of total unemployment shall be
7 deemed to occur beginning with the day on which a claimant, without good
8 cause, refuses to accept an offer of employment for which he is reason-
9 ably fitted by training and experience, including employment not subject
10 to this article, until he has subsequently worked in employment and
11 earned remuneration at least equal to five times his or her weekly bene-
12 fit rate. Except that claimants who are not subject to a recall date or
13 who do not obtain employment through a union hiring hall and who are
14 still unemployed after receiving thirteen weeks of benefits shall be
15 required to accept any employment proffered that such claimants are
16 capable of performing, provided that such employment would result in a
17 wage not less than SUCH CLAIMANT'S HIGH CALENDAR QUARTER WAGES RECEIVED
18 IN THE BASE PERIOD; OR WOULD RESULT IN A WAGE GREATER THAN eighty
19 percent of such claimant's high calendar quarter wages received in the
20 base period and not substantially less than the prevailing wage for
21 similar work in the locality as provided for in paragraph (d) of this
22 subdivision. No refusal to accept employment shall be deemed without
23 good cause nor shall it disqualify any claimant otherwise eligible to
24 receive benefits if:

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

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1 (a) a refusal to accept employment which would interfere with a claim-
2 ant's right to join or retain membership in any labor organization or
3 otherwise interfere with or violate the terms of a collective bargaining
4 agreement shall be with good cause; OR
5 (b) there is a strike, lockout, or other industrial controversy in the
6 establishment in which the employment is offered; or
7 (c) the employment is at an unreasonable distance from his residence,
8 or travel to and from the place of employment involves expense substan-
9 tially greater than that required in his former employment unless the
10 expense be provided for; or
11 (d) THE WAGES AND COMPENSATION ARE LESS THAN SUCH CLAIMANT'S HIGH
12 CALENDAR QUARTER WAGES AND COMPENSATION RECEIVED, the wages or compen-
13 sation [or hours or conditions] offered are substantially less favorable
14 to the claimant than those prevailing for similar work in the locality,
15 or are such as tend to depress wages [or working conditions]; OR
16 (E) THE HOURS OR CONDITIONS OFFERED ARE SUBSTANTIALLY LESS FAVORABLE
17 TO THE CLAIMANT THAN THOSE PREVAILING FOR SIMILAR WORK IN THE LOCALITY,
18 OR ARE SUCH AS TEND TO DEPRESS WORKING CONDITIONS; or
19 [(e)] (F) the claimant is seeking part-time work as provided in subdi-
20 vision five of section five hundred ninety-six of this title and the
21 offer of employment is not comparable to his or her part-time work as
22 defined in such subdivision.
23 S 2. This act shall take effect immediately.