

6076

2015-2016 Regular Sessions

I N   S E N A T E

October 27, 2015

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Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and  
when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to referees' hearings relating to unemployment insurance benefits involving the commercial goods transportation industry

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

1     Section 1. Paragraph (b) of subdivision 1 of section 620 of the labor  
2     law, as amended by chapter 554 of the laws of 2010, is amended to read  
3     as follows:  
4     (b) When the initial determination of a claim for benefits, upon which  
5     a hearing has been requested, involves the question whether any person  
6     is or was an employer within the meaning of this article and is or was  
7     liable for the payment of contributions under this article, or the question  
8     whether an employer has fully complied with the obligations imposed  
9     by this article, written notice of the hearing shall be given to such  
10    persons or employer, either personally or by mail, and thereupon he, she  
11    or such employer shall be deemed a party to the proceeding, entitled to  
12    be heard. Upon such notice having been given, the referee may then  
13    decide such question or questions and any other issue related thereto,  
14    and, EXCEPT FOR CASES INVOLVING THE COMMERCIAL GOODS TRANSPORTATION  
15    INDUSTRY, AS DEFINED IN ARTICLE TWENTY-FIVE-C OF THIS CHAPTER, his or  
16    her decision shall not be deemed limited in its effect to the immediate  
17    claimant making the claim for benefits but shall be deemed a general  
18    determination of such questions with respect to all those employed by  
19    such person or employer FOR ALL OF THE PURPOSES OF THIS ARTICLE,  
20    PROVIDED THAT THE FACTS AND CIRCUMSTANCES OF THE OTHERS TO WHOM THE  
21    DETERMINATION SHALL APPLY ARE THE SAME FACTS AND CIRCUMSTANCES AS THOSE  
22    IN THE CLAIM BROUGHT BY THE CLAIMANT, for all the purposes of this article[, and such]. SUCH decision shall be conclusive and binding upon the  
23    claimant and such person or employer, subject, however, to the right to  
24    appeal hereinafter provided.  
25    S 2. This act shall take effect immediately.  
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EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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