

STATE OF NEW YORK

5902

2017-2018 Regular Sessions

IN ASSEMBLY

February 17, 2017

Introduced by M. of A. ERRIGO -- Multi-Sponsored by -- M. of A. HAWLEY
-- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to computation of contributions to the unemployment insurance fund; and providing for the repeal of such provisions upon expiration thereof

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 a new section 581-e to
2 read as follows:

3 § 581-e. Rates of contributions to fund welfare-to-work. 1. Notwith-
4 standing the provisions of section five hundred eighty-one of this arti-
5 cle to the contrary, any employer whose employee received benefits as a
6 claimant under this article shall not have included in their experience
7 rating charges the amount so paid to the employee from the fund if the
8 claimant to whom those benefits were paid was:

9 (a) a primary wage earner who was a recipient of public assistance
10 under a New York public assistance program in the six month period
11 commencing from the time wages were first paid by that employer;

12 (b) paid wages by that employer for no more than six months; and

13 (c) paid wages by that employer of less than five thousand dollars.

14 2. The commissioner shall by regulation establish standards for appli-
15 cation by employers for permission to exclude such payment and the
16 provisions of subdivision six of section five hundred eighty-one of this
17 article shall not apply hereto.

18 3. The provisions of this section shall apply to an employer liable
19 for payments in lieu of contributions, but if the secretary of labor of
20 the United States finds that their application to such employer does not
21 meet the requirements of the Federal Unemployment Tax Act, such
22 provisions shall be inoperative with respect to such employer, unless
23 and until such finding has been set aside pursuant to a final decision
24 issued in accordance with such judicial review proceedings as may be

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

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1 instituted and completed under the provisions of section thirty-three
2 hundred ten of the Federal Unemployment Tax Act.

3 4. If the commissioner finds that an employer discharged the claimant,
4 or engaged in the employment practice of discharging workers, in order
5 to meet the requirements of paragraphs (b) and (c) of subdivision one of
6 this section, then the provisions of this section shall not apply.
7 Furthermore, if the employer acts in the aforementioned manner, such
8 action shall constitute a violation of this section and shall subject
9 the employer to the penalties set forth in section two hundred thirteen
10 of this chapter.

11 § 2. The commissioner of labor, in consultation with the commissioner
12 of the office of temporary and disability assistance, shall examine and
13 assess the effectiveness of this act on facilitating the entry of public
14 assistance recipients into the private sector work force. Such commis-
15 sioners, shall submit a joint report to the governor; temporary presi-
16 dent of the senate; speaker of the assembly; minority leader of the
17 assembly; and the minority leader of the senate, by January 1, 2021
18 detailing findings, conclusions and recommendations regarding this act.

19 § 3. This act shall take effect on the first of January next succeed-
20 ing the date on which it shall have become a law; provided, however,
21 that section one of this act shall expire January 1, 2022 when upon such
22 date the provisions of such section shall be deemed repealed.