

STATE OF NEW YORK

7035

2017-2018 Regular Sessions

IN ASSEMBLY

March 29, 2017

Introduced by M. of A. TITONE, GOTTFRIED, ABBATE, STECK, RAIA, HOOPER,
PERRY -- Multi-Sponsored by -- M. of A. CAHILL, COOK, PEOPLES-STOKES,
SIMANOWITZ -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing the "unemployment insurance for domestic violence survivors act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "unemployment insurance for domestic violence survivors act".

§ 2. Article 18 of the labor law is amended by adding a new title 7-B to read as follows:

TITLE 7-B

UNEMPLOYMENT INSURANCE FOR DOMESTIC VIOLENCE SURVIVORS

Section 615. Definitions.

616. Eligibility for unemployment insurance for domestic violence survivors.

617. Training program.

§ 615. Definitions. For purposes of this title:

1. "Domestic violence" means abuse committed against an employee or an employee's dependent child by:

(a) a current or former spouse of the employee; or

(b) a person with whom the employee shares parentage of a child in common; or

(c) a person who is cohabitating with, or has cohabitated with, the employee; or

(d) a person who is related by blood or marriage; or

(e) a person with whom the employee has or had a dating or engagement relationship.

2. "Abuse" means:

(a) causing, or attempting to cause, physical harm; or

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

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- 1 (b) placing another person in fear of imminent serious physical harm;
2 or
3 (c) causing another person to engage involuntarily in sexual relations
4 by force, threat or duress, or threatening to do so; or
5 (d) engaging in mental abuse, which includes threats, intimidation,
6 stalking and acts designed to induce terror; or
7 (e) depriving another person of medical care, housing, food or other
8 necessities of life; or
9 (f) restraining the liberty of another.

10 § 616. Eligibility for unemployment insurance for domestic violence
11 survivors. 1. A claimant shall not be disqualified from receiving unem-
12 ployment insurance benefits if the claimant establishes to the satisfac-
13 tion of the commissioner that the reason the claimant left work was due
14 to domestic violence, including:

- 15 (a) The claimant's reasonable fear of future domestic violence at or
16 en route to or from the claimant's place of employment.
17 (b) The claimant's need to relocate to another geographic area in
18 order to avoid future domestic violence.
19 (c) The claimant's need to address the physical, psychological and
20 legal impacts of domestic violence.
21 (d) The claimant's need to leave employment as a condition of receiv-
22 ing services or shelter from an agency which provides support services
23 or shelter to victims of domestic violence.

24 (e) Any other situation in which domestic violence causes the claimant
25 to reasonably believe that termination of employment is necessary for
26 the future safety of the claimant or the claimant's family.

27 2. A claimant may demonstrate the existence of domestic violence by
28 providing one of the following:

- 29 (a) a restraining order or other documentation of equitable relief
30 issued by a court of competent jurisdiction;
31 (b) a police record documenting the abuse;
32 (c) documentation that the abuser has been convicted of one or more
33 criminal offenses enumerated in the penal law against the claimant;
34 (d) medical documentation of the abuse;
35 (e) a statement provided by a counselor, social worker, health worker,
36 member of the clergy, shelter worker, legal advocate, or other profes-
37 sional who has assisted the claimant in addressing the effects of the
38 abuse on the claimant or the claimant's family; or
39 (f) a sworn statement from the claimant attesting to the abuse.

40 3. No evidence of domestic violence experienced by a claimant, includ-
41 ing the claimant's statement and corroborating evidence, shall be
42 disclosed by the department unless consent for disclosure is given by
43 the claimant.

44 4. For a claimant who left work due to domestic violence, requirements
45 to pursue suitable work must reasonably accommodate the claimant's need
46 to address the physical, psychological, legal and other effects of the
47 domestic violence.

48 § 617. Training program. 1. The commissioner shall implement a train-
49 ing curriculum for employees of the department who interact with claim-
50 ants applying for unemployment insurance due to their domestic violence
51 status.

52 2. All senior management personnel of the department that supervise
53 the training of employees involved in handling unemployment claims shall
54 be trained in this curriculum not later than sixty days from the effec-
55 tive date of this title. The commissioner shall develop an ongoing plan
56 for employees of the department who interact with claimants to be

1 trained in the nature and dynamics of domestic violence, so that employ-
2 ment separations stemming from domestic violence are reliably screened
3 and adjudicated, and so that victims of domestic violence are able to
4 take advantage of the full range of job services provided by the depart-
5 ment.

6 § 3. This act shall take effect on the first of July next succeeding
7 the date on which it shall have become a law.