

STATE OF NEW YORK

3654

2025-2026 Regular Sessions

IN ASSEMBLY

January 29, 2025

Introduced by M. of A. BRONSON, SEPTIMO, MAMDANI, SANTABARBARA, BURDICK, JACOBSON, GALLAGHER, MORINELLO, RAMOS, LUNSFORD, RIVERA, STIRPE, JENSEN, GRAY, SAYEGH, FORREST, CONRAD, McMAHON, STECK, RAGA, CLARK, CHANG, REYES, DE LOS SANTOS, SHIMSKY, GIBBS, SIMONE, WOERNER, BORES, BRABENEC, SHRESTHA, R. CARROLL, LEE, SEAWRIGHT, DURSO, DeSTEFANO, HEVESI, STERN, ALVAREZ, TAPIA, ROSENTHAL, CRUZ, PAULIN, EPSTEIN, DINOWITZ, REILLY, KIM, WEPRIN, GALLAHAN, BENDETT, MEEKS, GONZALEZ-ROJAS, GLICK, KELLES, EACHUS, GANDOLFO, DAVILA, COLTON, ROZIC, MIKULIN, MITAYNES, SMITH, BENEDETTO -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to decreasing the length of the suspension period applicable to certain striking workers who seek to obtain unemployment insurance benefits

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

- 1 Section 1. Subdivisions 1 and 3 of section 592 of the labor law, as
2 amended by chapter 20 of the laws of 2020, are amended to read as
3 follows:
- 4 1. Industrial controversy. (a) The accumulation of benefit rights by a
5 claimant shall be suspended during a period of [~~two consecutive weeks~~
6 one week beginning with the day after such claimant lost [~~his or her~~
7 their employment because of a strike or other industrial controversy
8 except for lockouts, including concerted activity not authorized or
9 sanctioned by the recognized or certified bargaining agent of the claim-
10 ant, and other concerted activity conducted in violation of any existing
11 collective bargaining agreement, in the establishment in which [~~he or~~
12 she] such claimant was employed, except that benefit rights may be accu-
13 mulated before the expiration of such [~~two~~] one week period beginning
14 with the day after such strike or other industrial controversy was
15 terminated.
- 16 (b) Benefits shall not be suspended under this section if:

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

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1 (i) The employer hires a permanent replacement worker for the employ-
2 ee's position. A replacement worker shall be presumed to be permanent
3 unless the employer certifies in writing that the employee will be able
4 to return to [~~his or her~~] such employee's prior position upon conclusion
5 of the strike, in the event the strike terminates prior to the conclu-
6 sion of the employee's eligibility for benefit rights under this chap-
7 ter. In the event the employer does not permit such return after such
8 certification, the employee shall be entitled to recover any benefits
9 lost as a result of the [~~two~~] one week suspension of benefits, and the
10 department may impose a penalty upon the employer of up to seven hundred
11 fifty dollars per employee per week of benefits lost. The penalty
12 collected shall be paid into the unemployment insurance control fund
13 established pursuant to section five hundred fifty-two-b of this arti-
14 cle; or

15 (ii) The commissioner determines that the claimant:

16 (A) is not employed by an employer that is involved in the industrial
17 controversy that caused [~~his or her~~] such claimant's unemployment and is
18 not participating in the industrial controversy; or

19 (B) is not in a bargaining unit involved in the industrial controversy
20 that caused [~~his or her~~] such claimant's unemployment and is not partic-
21 ipating in the industrial controversy.

22 3. Terms of suspension. [~~No~~] The waiting period [~~may~~] and suspension
23 period shall be served [~~during a suspension period~~] concurrently.

24 The suspension of accumulation of benefit rights shall not be termi-
25 nated by subsequent employment of the claimant irrespective of when the
26 claim is filed except as provided in subdivision one of this section and
27 shall not be confined to a single benefit year.

28 A "week" as used in subdivision one of this section means any seven
29 consecutive calendar days.

30 § 2. This act shall take effect immediately.