

# STATE OF NEW YORK

4644

2025-2026 Regular Sessions

## IN SENATE

February 10, 2025

Introduced by Sen. WEIK -- 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 allowing employees that refuse a coronavirus vaccine to be eligible for unemployment insurance

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

1 Section 1. Subdivision 1 of section 591 of the labor law, as amended  
2 by section 4 of chapter 305 of the laws of 2021, is amended to read as  
3 follows:

4 1. Unemployment. Benefits, except as provided in section five hundred  
5 ninety-one-a of this title, shall be paid only to a claimant who is  
6 totally unemployed or partially unemployed, including unemployment due  
7 to such employee's choice not to receive a coronavirus vaccine. A  
8 claimant who is receiving benefits under this article shall not be  
9 denied such benefits pursuant to this subdivision or to subdivision two  
10 of this section because of such claimant's service on a grand or petit  
11 jury of any state or of the United States.

12 § 2. Subdivision 1 of section 591 of the labor law, as amended by  
13 section 5 of chapter 305 of the laws of 2021, is amended to read as  
14 follows:

15 1. Unemployment. Benefits shall be paid only to a claimant who is  
16 totally unemployed or partially unemployed, including unemployment due  
17 to such employee's choice not to receive a coronavirus vaccine. A  
18 claimant who is receiving benefits under this article shall not be  
19 denied such benefits pursuant to this subdivision or to subdivision two  
20 of this section because of such claimant's service on a grand or petit  
21 jury of any state or of the United States.

22 § 3. Paragraph (a) of subdivision 1 of section 593 of the labor law,  
23 as amended by chapter 277 of the laws of 2021, is amended to read as  
24 follows:

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

LBD08960-01-5

1 (a) No weeks of total unemployment or partial unemployment shall be  
2 deemed to occur after a claimant's voluntary separation without good  
3 cause from employment until he or she such claimant has subsequently  
4 worked in employment and earned remuneration at least equal to ten times  
5 [~~his or her~~] such claimant's weekly benefit rate. In addition to other  
6 circumstances that may be found to constitute good cause, including a  
7 compelling family reason as set forth in paragraph (b) of this subdivi-  
8 sion, or choosing not to receive a coronavirus vaccine as set forth in  
9 paragraph (d) of this subdivision, voluntary separation from employment  
10 shall not in itself disqualify a claimant if circumstances have devel-  
11 oped in the course of such employment that would have justified the  
12 claimant in refusing such employment in the first instance under the  
13 terms of subdivision two of this section or if the claimant, pursuant to  
14 an option provided under a collective bargaining agreement or written  
15 employer plan which permits waiver of [~~his or her~~] such claimant's right  
16 to retain the employment when there is a temporary layoff because of  
17 lack of work, has elected to be separated for a temporary period and the  
18 employer has consented thereto.

19 § 4. Subdivision 1 of section 593 of the labor law is amended by  
20 adding a new paragraph (d) to read as follows:

21 (d) A claimant shall not be disqualified from receiving benefits for  
22 separation from employment due to choosing not to receive a coronavirus  
23 vaccine, which shall include, but not be limited to, choosing not to  
24 receive a mandatory coronavirus vaccination pursuant to (i) an order,  
25 executive order, directive, regulation, policy or other similar measure  
26 mandated by the department of health that healthcare employees be vacci-  
27 nated by September twenty-seventh, two thousand twenty-one; or (ii) any  
28 policy issued by an employer to its employees that mandates the employee  
29 receive the coronavirus vaccine by a date certain or be terminated.

30 § 5. This act shall take effect immediately; provided, however, that  
31 the amendments to subdivision 1 of section 591 of the labor law made by  
32 section one of this act shall be subject to the expiration and reversion  
33 of such subdivision pursuant to section 10 of chapter 413 of the laws of  
34 2003, as amended, when upon such date the provisions of section two of  
35 this act shall take effect.