S T A T E O F N E W Y O R K

5614

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. ERRIGO, CALHOUN, CROUCH, FINCH, KOLB, WALKER, TOWNSEND -- 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

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

Section 1. The labor law is amended by adding a new section 581-e to read as follows:

S 581-E. RATES OF CONTRIBUTIONS TO FUND WELFARE-TO-WORK. 1. NOTWITHSTANDING THE PROVISIONS OF SECTION FIVE HUNDRED EIGHTY-ONE OF THIS ARTICLE TO THE CONTRARY, ANY EMPLOYER WHOSE EMPLOYEE RECEIVED BENEFITS AS A CLAIMANT UNDER THIS ARTICLE SHALL NOT HAVE INCLUDED IN THEIR EXPERIENCE RATING CHARGES THE AMOUNT SO PAID TO THE EMPLOYEE FROM THE FUND IF THE CLAIMANT TO WHOM THOSE BENEFITS WERE PAID WAS:

(A) A PRIMARY WAGE EARNER WHO WAS A RECIPIENT OF PUBLIC ASSISTANCE UNDER A NEW YORK PUBLIC ASSISTANCE PROGRAM IN THE SIX MONTH PERIOD COMMENCING FROM THE TIME WAGES WERE FIRST PAID BY THAT EMPLOYER;

(B) PAID WAGES BY THAT EMPLOYER FOR NO MORE THAN SIX MONTHS; AND

(C) PAID WAGES BY THAT EMPLOYER OF LESS THAN FIVE THOUSAND DOLLARS.

2. THE COMMISSIONER SHALL BY REGULATION ESTABLISH STANDARDS FOR APPLICATION BY EMPLOYERS FOR PERMISSION TO EXCLUDE SUCH PAYMENT AND THE PROVISIONS OF SUBDIVISION SIX OF SECTION FIVE HUNDRED EIGHTY-ONE OF THIS ARTICLE SHALL NOT APPLY HERETO.

3. THE PROVISIONS OF THIS SECTION SHALL APPLY TO AN EMPLOYER LIABLE FOR PAYMENTS IN LIEU OF CONTRIBUTIONS, BUT IF THE SECRETARY OF LABOR OF THE UNITED STATES FINDS THAT THEIR APPLICATION TO SUCH EMPLOYER DOES NOT MEET THE REQUIREMENTS OF THE FEDERAL UNEMPLOYMENT TAX ACT, SUCH PROVISIONS SHALL BE INOPERATIVE WITH RESPECT TO SUCH EMPLOYER, UNLESS AND UNTIL SUCH FINDING HAS BEEN SET ASIDE PURSUANT TO A FINAL DECISION 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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INSTITUTED AND COMPLETED UNDER THE PROVISIONS OF SECTION THIRTY-THREE HUNDRED TEN OF THE FEDERAL UNEMPLOYMENT TAX ACT.

4. IF THE COMMISSIONER FINDS THAT AN EMPLOYER DISCHARGED THE CLAIMANT, OR ENGAGED IN THE EMPLOYMENT PRACTICE OF DISCHARGING WORKERS, IN ORDER TO MEET THE REQUIREMENTS OF PARAGRAPHS (B) AND (C) OF SUBDIVISION ONE OF THIS SECTION, THEN THE PROVISIONS OF THIS SECTION SHALL NOT APPLY. FURTHERMORE, IF THE EMPLOYER ACTS IN THE AFOREMENTIONED MANNER, SUCH ACTION SHALL CONSTITUTE A VIOLATION OF THIS SECTION AND SHALL SUBJECT THE EMPLOYER TO THE PENALTIES SET FORTH IN SECTION TWO HUNDRED THIRTEEN OF THIS CHAPTER.

5. THE PROVISIONS OF THIS SECTION SHALL CEASE TO BE OF ANY FORCE OR EFFECT ON OR AFTER JANUARY FIRST, TWO THOUSAND FOURTEEN.

S 2. The commissioner of labor, in consultation with the commissioner of the office of temporary and disability assistance, shall examine and assess the effectiveness of this act on facilitating the entry of public assistance recipients into the private sector work force. Such commissioners, shall submit a joint report to the governor; temporary president of the senate; speaker of the assembly; minority leader of the assembly; and the minority leader of the senate, by January 1, 2013 detailing findings, conclusions and recommendations regarding this act.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.