

3788

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. BRENNAN, PEOPLES, KOON, GREENE, MAYERSOHN --
Multi-Sponsored by -- M. of A. CLARK, COOK, DelMONTE, HOOPER, JOHN,
McENENY, PERRY, PHEFFER -- read once and referred to the Committee on
Labor

AN ACT to amend the labor law, in relation to enacting the Unemployment
Insurance Liability Act of 2009

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Unemployment Insurance Liability Act of 2009".
3 S 2. Legislative findings. The legislature hereby finds and declares
4 that employers that have relocated out of New York state are not
5 required to make scheduled quarterly contributions to the unemployment
6 insurance fund once they have left the state.
7 The legislature further declares that this creates a continuing hard-
8 ship on the fund which threatens its solvency.
9 Therefore, the legislature declares that employer contributions to the
10 unemployment insurance fund shall continue even after the employer has
11 left New York state, where former employees are receiving benefits.
12 S 3. Subdivision 1 of section 562 of the labor law, as amended by
13 chapter 103 of the laws of 1965, is amended to read as follows:
14 1. Required coverage. (a) Any employer who has once become liable
15 for contributions under this article with respect to persons other than
16 persons employed in personal or domestic service in private homes shall
17 [cease to be liable as of] REMAIN LIABLE UNTIL the first day of the
18 calendar quarter next following the filing of his written application
19 provided the commissioner finds that the employer has not RELOCATED OUT
20 OF STATE OR, with respect to [such] persons OTHER THAN THOSE EMPLOYED IN
21 PERSONAL OR DOMESTIC SERVICE IN PRIVATE HOMES, paid remuneration of
22 three hundred dollars or more in any of the four calendar quarters
23 preceding such day.

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

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1 (b) AN EMPLOYER WHO HAS RELOCATED OUT OF STATE SHALL REMAIN LIABLE
2 FOR CONTRIBUTIONS TO THE FUND FOR TWO QUARTERS FROM THE DATE ON WHICH
3 THE RELOCATION OCCURRED. CONTRIBUTIONS TO THE FUND SHALL BE BASED ON THE
4 FINAL QUARTERLY REPORT AS SUBMITTED.

5 (C) AN EMPLOYER WHO HAS RELOCATED OUT OF STATE SHALL:

6 (I) IDENTIFY ALL EMPLOYEES BEING TERMINATED AS A RESULT OF THE RELO-
7 CATION, AND

8 (II) INCLUDE THE AMOUNT OF WEEKLY WAGES PAID TO SUCH INDIVIDUALS AS
9 PART OF THE FINAL QUARTERLY PAYROLL REPORT SUBMITTED TO THE DEPARTMENT.

10 (D) Any employer who has once become liable for contributions under
11 this article with respect to persons employed in personal or domestic
12 service in a private home shall cease to be liable as of the first day
13 of the calendar quarter next following the filing of his written appli-
14 cation, provided the commissioner finds that the employer has not with
15 respect to such persons paid remuneration in cash of five hundred
16 dollars or more in any of the four calendar quarters preceding such day.

17 S 4. This act shall take effect immediately.