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

1426

2011-2012 Regular Sessions

I N S E N A T E

January 7, 2011

Introduced by Sen. SALAND -- 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 conditions for the disqualification for unemployment benefits of persons formerly employed by temporary employment services

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

Section 1. Section 593 of the labor law is amended by adding a new subdivision 6 to read as follows:

6. (A) FOR THE PURPOSES OF THIS SECTION, "TEMPORARY EMPLOYMENT SERVICE" MEANS A FIRM THAT EMPLOYS EMPLOYEES AND ASSIGNS SUCH EMPLOYEES TO CLIENTS TO SUPPORT OR SUPPLEMENT THE WORK FORCE OF SUCH CLIENTS IN WORK SITUATIONS SUCH AS EMPLOYEE ABSENCES, TEMPORARY SKILLS SHORTAGES, SEASONAL WORKLOADS, AND SPECIAL ASSIGNMENTS AND PROJECTS. "TEMPORARY EMPLOYEE" MEANS AN EMPLOYEE ASSIGNED TO WORK FOR THE CLIENTS OF A TEMPORARY EMPLOYMENT SERVICE.

(B) (I) AN EMPLOYEE OF A TEMPORARY EMPLOYMENT SERVICE SHALL BE DEEMED TO HAVE VOLUNTARILY SEPARATED FROM EMPLOYMENT IF SUCH EMPLOYEE DOES NOT CONTACT THE TEMPORARY EMPLOYMENT SERVICE FOR REASSIGNMENT WITHIN FIVE BUSINESS DAYS OF THE COMPLETION OF AN ASSIGNMENT. SUCH CONTACT SHALL BE MADE BY PERSONAL APPEARANCE OR BY TELEPHONE OR ELECTRONIC FACSIMILE; PROVIDED THAT SUCH CONTACT CAN BE VERIFIED.

(II) FAILURE TO CONTACT THE TEMPORARY EMPLOYMENT SERVICE SHALL NOT BE DEEMED A VOLUNTARY SEPARATION FROM EMPLOYMENT UNLESS THE CLAIMANT HAS BEEN ADVISED OF THE OBLIGATION TO CONTACT SUCH SERVICE UPON COMPLETION OF ASSIGNMENTS AND THAT UNEMPLOYMENT BENEFITS MAY BE DENIED FOR FAILURE TO DO SO.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

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

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