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

357--A

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GALLIVAN, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to disqualification for benefits and refusal of employment

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

Section 1. Subdivision 2 of section 593 of the labor law, as amended by chapter 415 of the laws of 1983, the opening paragraph as amended by section 15 of part O of chapter 57 of the laws of 2013, paragraph (a) as added by chapter 589 of the laws of 1998 and paragraphs (d) and (e) as amended by chapter 35 of the laws of 2009, is amended to read as follows:

2. Refusal of employment. No days of total unemployment shall be deemed to occur beginning with the day on which a claimant, without good cause, refuses to accept an offer of employment for which he or she is reasonably fitted by training and experience, including employment not subject to this article, until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. Except that claimants who are not subject to a recall date or who do not obtain employment through a union hiring hall and who are still unemployed after receiving ten weeks of benefits shall be required to accept any employment proffered that such claimants are capable of performing, provided that such employment would result in a wage not less than SUCH CLAIMANT'S HIGH CALENDAR QUARTER WAGES RECEIVED IN THE BASE PERIOD; OR WOULD RESULT IN A WAGE GREATER THAN eighty percent of such claimant's high calendar quarter wages received in the base period and not substantially less than the prevailing wage for

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

LBD02125-02-4

similar work in the locality as provided for in paragraph (d) of this subdivision. No refusal to accept employment shall be deemed without good cause nor shall it disqualify any claimant otherwise eligible to receive benefits if:

(a) a refusal to accept employment which would interfere with a claimant's right to join or retain membership in any labor organization or otherwise interfere with or violate the terms of a collective bargaining agreement shall be with good cause; OR

(b) there is a strike, lockout, or other industrial controversy in the establishment in which the employment is offered; or

(c) the employment is at an unreasonable distance from his residence, or travel to and from the place of employment involves expense substantially greater than that required in his former employment unless the expense be provided for; or

(d) THE WAGES AND COMPENSATION ARE LESS THAN SUCH CLAIMANT'S HIGH CALENDAR QUARTER WAGES AND COMPENSATION RECEIVED, the wages or compensation [or hours or conditions] offered are substantially less favorable to the claimant than those prevailing for similar work in the locality, or are such as tend to depress wages [or working conditions]; OR

(E) THE HOURS OR CONDITIONS OFFERED ARE SUBSTANTIALLY LESS FAVORABLE TO THE CLAIMANT THAN THOSE PREVAILING FOR SIMILAR WORK IN THE LOCALITY, OR ARE SUCH AS TEND TO DEPRESS WORKING CONDITIONS; or

[(e)] (F) the claimant is seeking part-time work as provided in subdivision five of section five hundred ninety-six of this title and the offer of employment is not comparable to his or her part-time work as defined in such subdivision.

S 2. This act shall take effect immediately.