

5995

2013-2014 Regular Sessions

I N   S E N A T E

November 27, 2013

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Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and  
when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to claims for unemployment  
benefits

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

1     Section 1. Section 632 of the labor law is amended by adding a new  
2     subdivision 3 to read as follows:  
3     3. EMPLOYER DOCUMENTATION. ANY EMPLOYER WHO WILFULLY MAKES A FALSE  
4     STATEMENT OR REPRESENTATION OR WHO FILES FALSE OR INACCURATE DOCUMENTA-  
5     TION WITH RESPECT TO A CLAIM MADE BY ANY PERSON SEEKING BENEFITS UNDER  
6     THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR.  
7     S 2. Subdivision 3 of section 597 of the labor law, as amended by  
8     chapter 42 of the laws of 1961, is amended to read as follows:  
9     3. Limitation on review of determinations. Any determination regarding  
10    a benefit claim may, in the absence of fraud or wilful misrepresen-  
11    tation, be reviewed only within [one year] EIGHTEEN MONTHS from the date  
12    it is issued because of new or corrected information, or, if the review  
13    is based thereon, within six months from a retroactive payment of remun-  
14    eration, provided that no decision on the merits of the case has been  
15    made upon hearing or appeal. WHERE A CLAIM FOR BENEFITS HAS BEEN DENIED  
16    A CLAIMANT MAY REQUEST A REVIEW BASED UPON WILFUL MISREPRESENTATION OR  
17    FALSE STATEMENTS OF THE EMPLOYER WITHIN THREE YEARS OF THE ORIGINAL  
18    DETERMINATION. Such review shall be conducted and a new determination  
19    issued in accordance with the provisions of this article and regulations  
20    and procedure prescribed thereunder with respect to the adjudication and  
21    payment of claims, including the right of appeal.  
22    S 3. This act shall take effect immediately.

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

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