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

5995

2013-2014 Regular Sessions

I N S E N A T E

November 27, 2013

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 632 of the labor law is amended by adding a new subdivision 3 to read as follows:

3. EMPLOYER DOCUMENTATION. ANY EMPLOYER WHO WILFULLY MAKES A FALSE STATEMENT OR REPRESENTATION OR WHO FILES FALSE OR INACCURATE DOCUMENTATION WITH RESPECT TO A CLAIM MADE BY ANY PERSON SEEKING BENEFITS UNDER THIS ARTICLE SHALL BE GUILTY OF A MISDEMEANOR.

S 2. Subdivision 3 of section 597 of the labor law, as amended by chapter 42 of the laws of 1961, is amended to read as follows:

3. Limitation on review of determinations. Any determination regarding a benefit claim may, in the absence of fraud or wilful misrepresentation, be reviewed only within [one year] EIGHTEEN MONTHS from the date it is issued because of new or corrected information, or, if the review is based thereon, within six months from a retroactive payment of remuneration, provided that no decision on the merits of the case has been made upon hearing or appeal. WHERE A CLAIM FOR BENEFITS HAS BEEN DENIED A CLAIMANT MAY REQUEST A REVIEW BASED UPON WILFUL MISREPRESENTATION OR FALSE STATEMENTS OF THE EMPLOYER WITHIN THREE YEARS OF THE ORIGINAL DETERMINATION. Such review shall be conducted and a new determination issued in accordance with the provisions of this article and regulations and procedure prescribed thereunder with respect to the adjudication and payment of claims, including the right of appeal.

S 3. This act shall take effect immediately.

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

LBD11964-01-3