

523

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. KOLB, CORWIN, MONTESANO, MALLIOTAKIS, CURRAN,
GOODELL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to limiting the liability of
certain employers for unemployment insurance coverage

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

- 1 Section 1. Paragraph (e) of subdivision 1 of section 581 of the labor
2 law is amended by adding a new subparagraph 2-a to read as follows:
3 (2-A) AN EMPLOYER'S ACCOUNT SHALL NOT BE CHARGED, AND THE CHARGES
4 SHALL INSTEAD BE MADE TO THE GENERAL ACCOUNT, FOR BENEFITS PAID TO AN
5 EMPLOYEE WHO VOLUNTARILY SEPARATED FROM EMPLOYMENT AND THE CHARGES ARE
6 ATTRIBUTABLE TO WEEKS OF THE CLAIMANT'S BASE PERIOD OF EMPLOYMENT WITH
7 SUCH EMPLOYER PRIOR TO THE EMPLOYEE'S VOLUNTARY SEPARATION OF EMPLOY-
8 MENT.
9 S 2. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581
10 of the labor law, as amended by section 6 of part 0 of chapter 57 of the
11 laws of 2013, is amended to read as follows:
12 (3) An employer's account shall not be charged, and the charges shall
13 instead be made to the general account, for benefits paid to a claimant
14 after the expiration of a period of disqualification from benefits
15 following a final determination that the claimant lost employment with
16 the employer through misconduct [or voluntary separation of employment
17 without good cause within the meaning of section five hundred ninety-
18 three of this article] and the charges are attributable to remuneration
19 paid during the claimant's base period of employment with such employer
20 prior to the claimant's loss of employment with such employer through
21 misconduct [or voluntary separation of employment without good cause],
22 provided, however, that an employer shall not be relieved of charges
23 pursuant to this subparagraph if an employer or its agent fails to
24 submit information resulting in an overpayment pursuant to section five
25 hundred ninety-seven of this article.
26 S 3. This act shall take effect immediately.

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

LBD02459-01-5