

2756--A

2015-2016 Regular Sessions

I N   S E N A T E

January 29, 2015

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Introduced by Sen. PARKER -- 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 enacting the Unemployment Insurance Liability Act of 2016

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

1     Section 1. Short title. This act shall be known and may be cited as  
2     the "Unemployment Insurance Liability Act of 2016".  
3     S 2. Legislative findings. The legislature hereby finds and declares  
4     that employers that have relocated out of New York state are not  
5     required to make scheduled quarterly contributions to the unemployment  
6     insurance fund once they have left the state.  
7     The legislature further declares that this creates a continuing hard-  
8     ship on the fund which threatens its solvency.  
9     Therefore, the legislature declares that employer contributions to the  
10    unemployment insurance fund shall continue even after the employer has  
11    left New York state, where former employees are receiving benefits.  
12    S 3. Subdivision 1 of section 562 of the labor law, as amended by  
13    chapter 103 of the laws of 1965, is amended to read as follows:  
14    1. Required coverage. (a) Any employer who has once become liable  
15    for contributions under this article with respect to persons other than  
16    persons employed in personal or domestic service in private homes shall  
17    [cease to be liable as of] REMAIN LIABLE UNTIL the first day of the  
18    calendar quarter next following the filing of his written application  
19    provided the commissioner finds that the employer has not RELOCATED OUT  
20    OF STATE OR, with respect to [such] persons OTHER THAN THOSE EMPLOYED IN  
21    PERSONAL OR DOMESTIC SERVICE IN PRIVATE HOMES, paid remuneration of

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

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1 three hundred dollars or more in any of the four calendar quarters  
2 preceding such day.

3 (b) AN EMPLOYER WHO HAS RELOCATED OUT OF STATE SHALL REMAIN LIABLE  
4 FOR CONTRIBUTIONS TO THE FUND FOR TWO QUARTERS FROM THE DATE ON WHICH  
5 THE RELOCATION OCCURRED. CONTRIBUTIONS TO THE FUND SHALL BE BASED ON THE  
6 FINAL QUARTERLY REPORT AS SUBMITTED.

7 (C) AN EMPLOYER WHO HAS RELOCATED OUT OF STATE SHALL:

8 (I) IDENTIFY ALL EMPLOYEES BEING TERMINATED AS A RESULT OF THE RELO-  
9 CATION, AND

10 (II) INCLUDE THE AMOUNT OF WEEKLY WAGES PAID TO SUCH INDIVIDUALS AS  
11 PART OF THE FINAL QUARTERLY PAYROLL REPORT SUBMITTED TO THE DEPARTMENT.

12 (D) Any employer who has once become liable for contributions under  
13 this article with respect to persons employed in personal or domestic  
14 service in a private home shall cease to be liable as of the first day  
15 of the calendar quarter next following the filing of his written appli-  
16 cation, provided the commissioner finds that the employer has not with  
17 respect to such persons paid remuneration in cash of five hundred  
18 dollars or more in any of the four calendar quarters preceding such day.

19 S 4. This act shall take effect immediately.