

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