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

6076

2015-2016 Regular Sessions

I N S E N A T E

October 27, 2015

Introduced by Sen. DeFRANCISCO -- 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 referees' hearings relating to unemployment insurance benefits involving the commercial goods transportation industry

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

Section 1. Paragraph (b) of subdivision 1 of section 620 of the labor law, as amended by chapter 554 of the laws of 2010, is amended to read as follows:

(b) When the initial determination of a claim for benefits, upon which a hearing has been requested, involves the question whether any person is or was an employer within the meaning of this article and is or was liable for the payment of contributions under this article, or the question whether an employer has fully complied with the obligations imposed by this article, written notice of the hearing shall be given to such persons or employer, either personally or by mail, and thereupon he, she or such employer shall be deemed a party to the proceeding, entitled to be heard. Upon such notice having been given, the referee may then decide such question or questions and any other issue related thereto, and, EXCEPT FOR CASES INVOLVING THE COMMERCIAL GOODS TRANSPORTATION INDUSTRY, AS DEFINED IN ARTICLE TWENTY-FIVE-C OF THIS CHAPTER, his or her decision shall not be deemed limited in its effect to the immediate claimant making the claim for benefits but shall be deemed a general determination of such questions with respect to all those employed by such person or employer FOR ALL OF THE PURPOSES OF THIS ARTICLE, PROVIDED THAT THE FACTS AND CIRCUMSTANCES OF THE OTHERS TO WHOM THE DETERMINATION SHALL APPLY ARE THE SAME FACTS AND CIRCUMSTANCES AS THOSE IN THE CLAIM BROUGHT BY THE CLAIMANT, for all the purposes of this article[, and such]. SUCH decision shall be conclusive and binding upon the claimant and such person or employer, subject, however, to the right to appeal hereinafter provided.

S 2. 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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