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

613--A

Cal. No. 680

2015-2016 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2015

Introduced by Sens. BOYLE, MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the labor law, in relation to the definition of "employment" for the purposes of unemployment insurance

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

Section 1. Section 511 of the labor law is amended by adding a new subdivision 23 to read as follows:

23. OWNER-EMPLOYEE. (A) THE TERM "EMPLOYMENT" SHALL NOT INCLUDE THE SERVICES OF THE SOLE EMPLOYEE OF AN EMPLOYER WHICH IS A CORPORATION, LIMITED LIABILITY COMPANY OR PARTNERSHIP, WHEN SUCH SOLE EMPLOYEE IS THE SOLE SHAREHOLDER OF SUCH CORPORATION, A MEMBER OF THE LIMITED LIABILITY COMPANY, OR A PARTNER IN SUCH PARTNERSHIP; PROVIDED, HOWEVER, THAT SUCH SOLE SHAREHOLDER, MEMBER, OR PARTNER MAY OPT-IN TO UNEMPLOYMENT COVERAGE BY FILING AN APPLICATION WITH THE COMMISSIONER AND PAYING THE APPROPRIATE UNEMPLOYMENT CONTRIBUTIONS.

(B) THE COMMISSIONER SHALL PROMULGATE REGULATIONS DESCRIBING THE FORM AND CONTENT OF THE OPT-IN APPLICATION WHICH SHALL INCLUDE INFORMATION REGARDING THE EFFECT AND CONSEQUENCE OF THE OPT-IN.

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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