STATE OF NEW YORK

10402

IN ASSEMBLY

May 4, 2020

Introduced by M. of A. ORTIZ, DenDEKKER -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to eligibility for unemployment insurance during a state of emergency

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (a) of subdivision 3 of section 591 of the labor law, as amended by chapter 794 of the laws of 1963, is amended and a new paragraph (e) is added to read as follows:

(a) [~~No~~] **Except as provided in paragraph (e) of this subdivision, no** benefits shall be payable to a claimant for any day during a paid vacation period, or for a paid holiday, nor shall any such day be considered a day of total unemployment under section five hundred twenty-two of this article.

(e) The use of or payment for vacation, including holidays, sick days, and personal days pursuant to an agreement by a claimant or by claimant's union or other representative relating to a state of emergency, as declared by the governor, shall not render a claimant unavailable for employment, affect the determination as to days of total unemployment, or otherwise disqualify a claimant for, delay receipt of, or reduce amounts of, unemployment benefits.

§ 2. Paragraph (d) of subdivision 6 of section 591 of the labor law, as added by section 13 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(d) Notwithstanding the foregoing, the provisions of this subdivision shall not apply during any weeks in which the initial payment of dismissal pay is made more than thirty days from the last day of the claimant's employment**; nor shall the provisions of this subdivision apply during any weeks in which the payment of dismissal pay is made pursuant to an agreement by the claimant or by the claimant's union or other representative relating to a state of emergency as declared by the governor**.

§ 3. Section 598 of the labor law, as added by chapter 475 of the laws of 2008, is amended to read as follows:

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

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§ 598. Effect of payments for failure to provide notice of a facility closure. Payments to an employee under article [~~twenty-five-a~~] twenty-five-A of this chapter by an employer who has failed to provide the advance notice of a facility closure required by such article or the federal Worker Adjustment and Retraining Notification Act (29 U.S.C. Sec. 1201 et seq.) or amendments thereto; or pursuant to an agreement by the claimant or claimant's union or other representative for failure to provide advance notice of facility, department, or plant closure, layoff, schedule change, or termination, shall not be construed as remuneration under this article. Unemployment insurance benefits may not be denied or reduced because of the receipt of payments related to an employer's violation of article [~~twenty-five-a~~] twenty-five-A of this chapter or the federal Worker Adjustment and Retraining Notification Act; or an agreement by the claimant or claimant's union or other representative for failure to provide advance notice of facility, department, or plant closure, layoff, schedule change, or termination.

§ 4. This act shall take effect immediately.