STATE OF NEW YORK

3644

2019-2020 Regular Sessions

IN SENATE

February 11, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to unemployment benefits for qualified federal employees

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

Section 1. Subdivision 1 of section 591 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

1. Unemployment. Benefits, except as provided in [~~section~~] **sections** five hundred ninety-one-a **and five hundred ninety-one-b** of this title, shall be paid only to a claimant who is totally unemployed and who is unable to engage in his usual employment or in any other for which he is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

§ 2. Subdivision 1 of section 591 of the labor law, as amended by chapter 446 of the laws of 1981, is amended to read as follows:

1. Unemployment. Benefits**, except as provided in section five hundred ninety-one-b of this title,** shall be paid only to a claimant who is totally unemployed and who is unable to engage in his usual employment or in any other for which he is reasonably fitted by training and experience. A claimant who is receiving benefits under this article shall not be denied such benefits pursuant to this subdivision or to subdivision two of this section because of such claimant's service on a grand or petit jury of any state or of the United States.

§ 3. Subdivision 2 of section 591 of the labor law, as amended by chapter 413 of the laws of 2003, is amended to read as follows:

2. Availability and capability. Except as provided in [~~section~~] **sections** five hundred ninety-one-a **and five hundred ninety-one-b** of this

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

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title, no benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his usual employment or in any other for which he is reasonably fitted by training and experience.

§ 4. Subdivision 2 of section 591 of the labor law, as amended by section 12 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

2. Availability, capability, and work search. [~~No~~] **Except as provided in section five hundred ninety-one-b of this title, no** benefits shall be payable to any claimant who is not capable of work or who is not ready, willing and able to work in his or her usual employment or in any other for which he or she is reasonably fitted by training and experience and who is not actively seeking work. In order to be actively seeking work a claimant must be engaged in systematic and sustained efforts to find work. The commissioner shall promulgate regulations defining systematic and sustained efforts to find work and setting standards for the proof of work search efforts.

§ 5. The labor law is amended by adding a new section 591-b to read as follows:

§ 591-b. Benefits for qualified federal employees. 1. Definitions. For purposes of this section, the following terms shall have the following meanings:

(a) "Qualified employee" shall mean a federal employee who is a resident of this state and is either (i) required to work for the federal government without compensation as a result of a covered lapse in appropriations, or (ii) is placed on unpaid leave from his or her position with the federal government without compensation as a result of a covered lapse in appropriations.

(b) "Covered lapse in appropriations" shall mean any lapse in appropriations by the federal government that begins on or after December twenty-second, two thousand eighteen.

2. Eligibility for unemployment benefits. Each qualified employee shall be eligible to receive unemployment benefits pursuant to this article for the time period during which there was a covered lapse in appropriations.

§ 6. This act shall take effect immediately, provided that the amendments to subdivisions 1 and 2 of section 591 of the labor law made by sections one and three of this act shall be subject to the expiration and reversion of such subdivisions pursuant to chapter 413 of the laws of 2003, as amended, when upon such date the provisions of sections two and four of this act shall take effect.