STATE OF NEW YORK

1004

2019-2020 Regular Sessions

IN ASSEMBLY

January 14, 2019

Introduced by M. of A. KOLB, MONTESANO, MALLIOTAKIS, GOODELL, BRABENEC -- 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 Assembly, do enact as follows:

Section 1. Paragraph (e) of subdivision 1 of section 581 of the labor law is amended by adding a new subparagraph 2-a to read as follows:

(2-a) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to an employee who voluntarily separated from employment and the charges are attributable to weeks of the claimant's base period of employment with such employer prior to the employee's voluntary separation of employment.

§ 2. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581 of the labor law, as amended by section 6 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

(3) An employer's account shall not be charged, and the charges shall instead be made to the general account, for benefits paid to a claimant after the expiration of a period of disqualification from benefits following a final determination that the claimant lost employment with the employer through misconduct [~~or voluntary separation of employment without good cause within the meaning of section five hundred ninety-three of this article~~] and the charges are attributable to remuneration paid during the claimant's base period of employment with such employer prior to the claimant's loss of employment with such employer through misconduct [~~or voluntary separation of employment without good cause~~], provided, however, that an employer shall not be relieved of charges pursuant to this subparagraph if an employer or its agent fails to submit information resulting in an overpayment pursuant to section five hundred ninety-seven of this article.

§ 3. This act shall take effect immediately.

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

LBD04091-01-9