STATE OF NEW YORK

10400--A

IN ASSEMBLY

May 4, 2020

Introduced by M. of A. DenDEKKER, ORTIZ -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to permitting unemployment benefits in the case of certain voluntary separation from employment during the COVID-19 emergency; and providing for the repeal of such provisions upon the expiration thereof

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

Section 1. Subdivision 1 of section 593 of the labor law is amended by adding two new paragraphs (d) and (e) to read as follows:

(d) (i) A claimant shall not be disqualified from receiving benefits for separation from employment where the claimant has voluntarily separated from employment due to the reasonable belief that his or her work conditions are unsafe based on the claimant's reasonable belief that such conditions are inconsistent with laws, rules, protocols, policies, orders, or guidance of any federal, state, or local governmental agency intended to keep his or her work environment safe for workers and consumers from potential exposure to or infection from the novel coronavirus of 2019.

(ii) In determining whether the claimant reasonably believed his or her work conditions were unsafe, the department shall review factors including but not limited to (1) whether the claimant is sixty-five years of age or older; (2) whether the claimant has an underlying health condition that puts such claimant especially at-risk for severe illness from COVID-19 including, but not limited to chronic pulmonary, lung, liver, or kidney disease, moderate-to-severe asthma, diabetes, hemoglobin disorders, serious heart conditions, severe obesity, or the claimant is immunocompromised; (3) whether such claimant lives with a family member who is sixty-five years of age or older or who has an underlying condition that puts them at-risk for severe illness due to COVID-19; and (4) whether employment under such conditions would result in potential exposure to COVID-19 of workers or consumers, including but not limited to improper adherence to or lack of protocols or policies regarding

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

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social distancing or whether or not personal protective equipment has been or will be provided.

(e) A claimant who loses employment because they did not report to work or left work before the end of their scheduled shift or refused to perform an assigned task due to the reasonable belief that the claimant's work conditions are unsafe based on a reasonable belief that such conditions are inconsistent with laws, rules, protocols, policies, orders, or guidance of any federal, state, or local governmental agency intended to keep his or her work environment safe for workers and consumers from potential exposure to or infection from the novel coronavirus of 2019 shall be deemed to have voluntarily separated from employment pursuant to paragraph (d) of this subdivision.

§ 2. Paragraph (e) of subdivision 2 of section 593 of the labor law, as amended by chapter 35 of the laws of 2009, is amended and a new paragraph (f) is added to read as follows:

(e) the claimant is seeking part-time work as provided in subdivision five of section five hundred ninety-six of this title and the offer of employment is not comparable to his or her part-time work as defined in such subdivision[.]; or

(f) the offer is to work under conditions that the claimant has a reasonable belief are unsafe based on the claimant's reasonable belief that such conditions are inconsistent with laws, rules, protocols, policies, orders or guidance of any governmental agency on suitable working conditions intended to keep the work environment safe for workers and consumers from potential exposure to or infection from the novel coronavirus of 2019.

§ 3. This act shall take effect immediately and shall expire and be deemed repealed one year after such effective date.