STATE OF NEW YORK

8377

IN SENATE

May 19, 2020

Introduced by Sen. MAYER -- 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 requiring employers to pay severance to employees when there is a plant closing, relocation, or mass layoff

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

Section 1. The section heading of section 860-g of the labor law, as added by chapter 475 of the laws of 2008, is amended to read as follows:

Violation; liability**; severance**.

§ 2. Section 860-g of the labor law is amended by adding a new subdivision 9 to read as follows:

9. Whenever there is a plant closing, relocation, or mass layoff under this article, the employer shall pay severance to each employee entitled to notice who lost his or her employment equal to one week of pay for each full year of employment. An employer who fails to give notice as required by paragraph (a) of subdivision one of section eight hundred sixty-b of this article before ordering a mass layoff, relocation, or employment loss shall pay each such employee an additional four weeks of severance pay. The rate of severance pay provided by the employer pursuant to this section shall be the average regular rate of compensation received by the employee during the last three years of employment with the employer, or the employee's final regular rate of compensation, whichever is higher. Severance under this subdivision shall be regarded as compensation due to an employee for back pay and losses associated with the termination of the employment relationship, and earned in full upon the termination of the employment relationship, notwithstanding the calculation of the amount of the payment with reference to the employee's length of service. The employer shall pay the severance pay required pursuant to this subdivision or the severance pay required by a collective bargaining agreement or for any other reason, whichever is greater. The severance provided for an employee by this subdivision shall be reduced by any back pay paid to the employee pursuant to subsection 5 of section 2104 of the federal Worker Adjustment and

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

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Retraining Notification Act (29 U.S.C. Sec. 2104 et seq.), because of a violation of subsection 3 of section 2102 of such act (29 U.S.C. Sec. 2102 et seq.). No waiver of the right to severance provided pursuant to this subdivision shall be effective without approval of the waiver by the commissioner or a court of competent jurisdiction.

§ 3. This act shall take effect immediately.