STATE OF NEW YORK

2115

2021-2022 Regular Sessions

IN ASSEMBLY

January 14, 2021

Introduced by M. of A. SIMON -- Multi-Sponsored by -- M. of A. DINOWITZ, GLICK, REYES, SEAWRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to disqualification from receiving benefits for separation from employment in cases where the claimant's employer maintained or refused or failed to cure a health or safety condition that made the environment unsuitable

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 a new paragraph (d) to read as follows:

(d) A claimant shall not be disqualified from receiving benefits for separation from employment where the claimant has left their employment because the employer maintained or refused or failed to cure a health or safety condition that made the environment unsuitable. The claimant has provided sufficient notification of the unsuitable condition if they notified the employer, if another employee notified the employer, or if the employer had or should have had reason to know that the condition made the work environment unsuitable. It is sufficient but not necessary to show unsuitability that the working conditions were inconsistent with laws, rules, policies, orders, or guidance of any governmental agency on suitable working conditions.

§ 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 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**

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

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(f) the offer is to work under conditions that are unsuitable, including conditions that are inconsistent with laws, rules, policies, orders, or guidance of any governmental agency on suitable working conditions.

§ 3. Subdivision 3 of section 593 of the labor law, as amended by section 15 of part O of chapter 57 of the laws of 2013, is amended to read as follows:

3. Misconduct. No days of total unemployment shall be deemed to occur after a claimant lost employment through misconduct in connection with his or her employment until he or she has subsequently worked in employment and earned remuneration at least equal to ten times his or her weekly benefit rate. **A claimant who was fired because they did not report to work or left work before the end of their scheduled shift or refused to perform an assigned task, in response to the employer refusing or failing to cure a health or safety condition that made the environment unsuitable, has not lost their employment due to misconduct. Such claimant has also not quit their job voluntarily and without good cause. The claimant provided sufficient notification of the unsuitable condition if they notified the employer, if another employee notified the employer, or if the employer had or should have had reason to know that the condition made the work environment unsuitable. It is sufficient but not necessary to show unsuitability that the working conditions were inconsistent with laws, rules, policies, orders, or guidance of any governmental agency on suitable working conditions.**

§ 4. This act shall take effect immediately.