

STATE OF NEW YORK

1900

2021-2022 Regular Sessions

IN SENATE

January 16, 2021

Introduced by Sens. AKSHAR, GALLIVAN -- 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 limiting the liability of
certain employers for unemployment insurance coverage

The People of the State of New York, represented in Senate and Assem-
bly, 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 employ-
ment.

§ 2. Subparagraph 3 of paragraph (e) of subdivision 1 of section 581
of the labor law, as amended by section 6 of part 0 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.

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