

STATE OF NEW YORK

5425

2021-2022 Regular Sessions

IN SENATE

March 4, 2021

Introduced by Sen. PARKER -- 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 enacting the Unemployment Insurance Liability Act of 2021

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Unemployment Insurance Liability Act of 2021".

3 § 2. Legislative findings. The legislature hereby finds and declares
4 that employers that have relocated out of New York state are not
5 required to make scheduled quarterly contributions to the unemployment
6 insurance fund once they have left the state.

7 The legislature further declares that this creates a continuing hard-
8 ship on the fund which threatens its solvency.

9 Therefore, the legislature declares that employer contributions to the
10 unemployment insurance fund shall continue even after the employer has
11 left New York state, where former employees are receiving benefits.

12 § 3. Subdivision 1 of section 562 of the labor law, as amended by
13 chapter 103 of the laws of 1965, is amended to read as follows:

14 1. Required coverage. (a) Any employer who has once become liable
15 for contributions under this article with respect to persons other than
16 persons employed in personal or domestic service in private homes shall
17 ~~[cease to be liable as of]~~ remain liable until the first day of the
18 calendar quarter next following the filing of his or her written appli-
19 cation provided the commissioner finds that the employer has not relo-
20 cated out of state or, with respect to ~~[such]~~ persons other than those
21 employed in personal or domestic service in private homes, paid remuneration of three hundred dollars or more in any of the four calendar quarters preceding such day.

22 (b) An employer who has relocated out of state shall remain liable
23 for contributions to the fund for two quarters from the date on which
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EXPLANATION--Matter in italics (underscored) is new; matter in brackets ~~[-]~~ is old law to be omitted.

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1 the relocation occurred. Contributions to the fund shall be based on the
2 final quarterly report as submitted.

3 (c) An employer who has relocated out of state shall:

4 (i) identify all employees being terminated as a result of the relo-
5 cation, and

6 (ii) include the amount of weekly wages paid to such individuals as
7 part of the final quarterly payroll report submitted to the department.

8 (d) Any employer who has once become liable for contributions under
9 this article with respect to persons employed in personal or domestic
10 service in a private home shall cease to be liable as of the first day
11 of the calendar quarter next following the filing of his or her written
12 application, provided the commissioner finds that the employer has not
13 with respect to such persons paid remuneration in cash of five hundred
14 dollars or more in any of the four calendar quarters preceding such day.

15 § 4. This act shall take effect immediately.