STATE OF NEW YORK

9965

IN ASSEMBLY

April 22, 2022

Introduced by M. of A. JOYNER -- (at request of the Department of Labor) -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to review of unemployment benefits claims

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

Section 1. Subdivisions 3 and 4 of section 597 of the labor law, subdivision 3 as amended by chapter 42 of the laws of 1961, subdivision 4 as amended by chapter 61 of the laws of 1998, are amended to read as follows:

3. Limitation on review of determinations. Any determination regarding a benefit claim may, in the absence of fraud or wilful misrepresentation, be reviewed only within [~~one year~~] three years from the date it is issued because of new or corrected information, or, if the review is based thereon, within six months from a retroactive payment of remuneration, provided that no decision on the merits of the case has been made upon hearing or appeal. Such review shall be conducted and a new determination issued in accordance with the provisions of this article and regulations and procedure prescribed thereunder with respect to the adjudication and payment of claims, including the right of appeal.

4. Effect of review. Whenever a new determination in accordance with the preceding subdivision or a decision by a referee, the appeal board, or a court results in a decrease or denial of benefits previously allowed, [~~such new determination or decision, unless it shall be based upon a retroactive payment of remuneration, shall not affect the rights to any benefits already paid under the authority of the prior determination or decision provided they were accepted by the claimant in good faith and the claimant did not make any false statement or representation and did not wilfully conceal any pertinent fact in connection with his or her claim for benefits~~] the department shall recover the previously paid benefits, except that such recovery may be waived by the department if the payment of benefits was not the result of the claimant's fraud or willful misrepresentation and the claimant demonstrates

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

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that recovery of the overpayment would be against equity and good conscience.

§ 2. This act shall take effect on the thirtieth day after it shall have become law and shall apply to claims effective on or after January 3, 2022.