

# STATE OF NEW YORK

1197

2021-2022 Regular Sessions

## IN SENATE

January 8, 2021

Introduced by Sen. PERSAUD -- 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 prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and providing for the repeal of such provisions upon the expiration thereof

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

1 Section 1. Subdivision 3 of section 581-a of the labor law, as amended  
2 by chapter 617 of the laws of 1977, is amended to read as follows:

3 3. Notwithstanding the provisions of section five hundred eighty-one  
4 of this title to the contrary, any employer whose employees receive  
5 payments under this article and whose claims for unemployment insurance  
6 arise due to the closure of the employer or a reduction in the workforce  
7 of the employer for reasons related to the COVID-19 pandemic, or due to  
8 a mandatory order of a government entity duly authorized to issue such  
9 order to close such employer due to the COVID-19 pandemic, on or after  
10 March twelfth, two thousand twenty shall not have included in their  
11 experience rating charges the amounts so paid to the employees from the  
12 fund.

13 4. The provisions of this section shall apply to an employer liable  
14 for payments in lieu of contributions, but if the secretary of labor of  
15 the United States finds that their application to such employer does not  
16 meet the requirements of the Federal Unemployment Tax Act, such  
17 provisions shall be inoperative with respect to such employer, unless  
18 and until such finding has been set aside pursuant to a final decision  
19 issued in accordance with such judicial review proceedings as may be  
20 instituted and completed under the provisions of section thirty-three  
21 hundred ten of the Federal Unemployment Tax Act.

22 § 2. This act shall take effect immediately and shall expire December  
23 31, 2021, when upon such date the provisions of this act shall be deemed  
24 repealed.

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

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