STATE OF NEW YORK

783

2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sens. GOUNARDES, BIAGGI, BROOKS, GAUGHRAN, LIU, RIVERA -- 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 the participation in the shared work program under the unemployment insurance law

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

Section 1. The labor law is amended by adding a new section 605-a to read as follows:

§ 605-a. Retroactive eligibility for certain employers during the COVID-19 declared emergency. 1. Any employer who has otherwise met the requirements set forth in section six hundred five of this title and who has reduced hours to employees on or after the issuance of executive order 202 on March seventh, two thousand twenty, will be automatically and retroactively deemed an eligible shared work employer under this title and any employee whose work hours have been reduced as a result of the COVID-19 declared emergency shall be eligible for partial unemployment according to the provisions of the this title.

2. The commissioner shall notify eligible employers by mail of their retroactive eligibility and automatic enrollment into the shared work program due to the COVID-19 declared state of emergency, along with a description of the shared work program and the eligibility of their current or former employees for partial benefits, as well as the application and guidance on how eligible employers can complete and submit an application to enroll in the program. Any employer enrolled in the shared work program under this provision shall continue to be enrolled until the COVID-19 declared state of emergency concludes and such employers and employees shall be exempt from the requirement to complete a weekly continuation claim form.

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

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§ 2. Section 604 of the labor law, as amended by section 21-a of part O of chapter 57 of the laws of 2013, is amended to read as follows:

§ 604. Eligibility conditions. A claimant shall be eligible for benefits under this title if he or she works less than his or her normal hours in a week for his customary employer, and that employer has reduced or restricted the claimant's weekly hours of work, or has rehired a claimant previously laid off and reduced his or her weekly hours of work from those previously worked, as the result of a plan by the employer to stabilize the work force by a program of sharing the work remaining after a reduction in total hours of work and a corresponding reduction in wages, provided the program requires not less than a twenty percent nor more than a sixty percent reduction in hours and wages among the work force. A claimant receiving supplemental unemployment compensation benefits, as defined in section five hundred one (c) (17) (D) of the internal revenue code of nineteen hundred fifty-four, shall not be eligible hereunder. Any employee who was otherwise eligible for benefits under this title but was denied benefits during the period beginning October first, two thousand one and ending on December first, two thousand one because more than five percent of his or her wages were derived from piece work, shall be entitled to make a retroactive claim for such benefits provided such claim is filed within sixty days of the effective date of this sentence. **Any employee who would be eligible for benefits under the shared work program due to his or her reduced weekly hours but was denied a claim on or after March seventh, two thousand twenty, or who did not file a claim, is eligible to file a claim for lost hours work for each week beginning March eighth, two thousand twenty, if eligible under section six hundred five-a of this title.**

§ 3. This act shall take effect immediately.