STATE OF NEW YORK

8436

2023-2024 Regular Sessions

IN ASSEMBLY

December 29, 2023

Introduced by M. of A. FORREST -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to establishing a joint committee for unemployment insurance oversight; and directing the department to conduct a study on the unemployment insurance program

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 641 to read as follows:

§ 641. Joint committee for unemployment insurance oversight. 1. There is hereby established a joint committee on unemployment insurance oversight. Such committee shall consist of fourteen members, three of whom shall be appointed by the temporary president of the senate, three of whom shall be appointed by the speaker of the assembly, the commissioner of labor or their designee, secretary of state or their designee, a representative of the Business Council of New York state, a representative of the New York state chamber of commerce, two representatives of union labor, and two representatives of the academic profession whom are knowledgeable in unemployment insurance law whom are jointly appointed by the temporary president of the senate and speaker of assembly. The temporary president of the senate and speaker of the assembly shall appoint a senator and assembly member, respectively, each to serve as co-chair. Members of the committee shall serve at the pleasure of the appointing authority. Members of the committee shall receive no compensation for their services but shall be allowed their actual and necessary expenses incurred in the performance of their duties pursuant to this section.

2. The committee established pursuant to this section shall examine the following:

(a) the condition of the unemployment insurance system in the state;

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

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(b) any potential need for additional alterations to the unemployment insurance system, including the charging, taxing, eligibility, and benefit provisions;

(c) the equality of the unemployment insurance system in how such benefits are paid out; and

(d) the fiscal health of the unemployment insurance trust fund.

3. The committee shall have the power to subpoena and to take testimony by deposition and the power to compel the attendance of witnesses and the production of records, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

4. The committee shall make a report on its findings and recommendations to the governor and the legislature on December thirty-first of each year in which the committee meets. The committee shall make such findings and recommendations available to the public on the department's website.

§ 2. The department of labor, in collaboration with the office of the attorney general and the joint committee on unemployment insurance oversight established pursuant to section one of this act, shall conduct a comprehensive study on unemployment insurance in the state.

1. Such study shall examine:

(a) any report or recommendation made by the National Academy of Social Insurance Unemployment Insurance Task Force of two thousand twenty-one;

(b) the effects of potentially expanding eligibility for unemployment insurance to include individuals who left their job:

(i) for family reasons including accompanying a spouse to a new work location or to fulfill a caregiving obligation; or

(ii) due to job schedule volatility;

(c) whether the state is appropriately applying the definition of "employee" to cover seasonal, temporary, and gig economy workers; and if needed, identify changes to law or establishing a new benefits program to assist all seasonal, temporary, or gig economy workers;

(d) the effects of potentially increasing the maximum weekly benefit amount;

(e) the effects of potentially increasing the maximum weekly benefit amount based on inflation or wage growth;

(f) the effects of potentially changing the dependent allowance, including allowing the dependent allowance to be added to the maximum weekly benefit;

(g) the effects of increasing the dependent allowance based on inflation or wage growth;

(h) the effects of creating new standards for when an employee is entitled to claim unemployment insurance benefits if the employee:

(i) leaves a job due to unsafe working conditions;

(ii) leaves a job due to an unreasonable risk of infection;

(iii) is terminated for refusing to work under unsafe work conditions or declines to accept work due to unsafe work conditions.

2. The department shall make a report of the findings of its study, including any recommendations for legislative action as it may deem necessary and appropriate. Such report shall be delivered to the governor, the temporary president of the senate and the speaker of the assembly on or before December first, two thousand twenty-six. Such findings shall be made available to the public on the department's website.

§ 3. This act shall take effect immediately.