

# STATE OF NEW YORK

6833

2023-2024 Regular Sessions

## IN SENATE

May 11, 2023

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

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".

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 remuner-  
22 ation of three hundred dollars or more in any of the four calendar quar-  
23 ters preceding such day.

24 (b) An employer who has relocated out of state shall remain liable  
25 for contributions to the fund for two quarters from the date on which

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.