

STATE OF NEW YORK

8604

IN SENATE

February 21, 2024

Introduced by Sen. HINCHEY -- 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 employee petitions to participate in a shared work program and employer responses to such petitions

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

1 Section 1. Section 605-a of the labor law, as added by chapter 493 of
2 the laws of 2021, is amended to read as follows:

3 § 605-a. Shared work program. 1. Any group of employees who may
4 reasonably be expected to experience an employment loss as a consequence
5 of a reduction in workforce or have experienced employment loss as a
6 consequence of a reduction in workforce may petition in writing the
7 employer of such group of employees to apply to participate in a shared
8 work program pursuant to this article for purposes of avoiding such
9 reduction in workforce or for purposes of re-hiring any former employee
10 or employees of the employer that were laid off due to a reduction in
11 workforce. Such employer shall, no later than seven days after such
12 petition has been made, respond in writing to such group of employees.
13 Such response shall state the decision of the employer to apply or not
14 to apply to participate in a shared work program, and the reason for
15 deciding to apply or not to apply to participate in a shared work
16 program, and if the employer did apply, the outcome of the application,
17 if available. Such employer shall submit a copy of both the petition
18 submitted by the employees and the employer's response to such petition
19 to the commissioner.

20 2. No employer or their agent, or person acting as or on behalf of a
21 hiring entity, or the officer or agent of any corporation, partnership,
22 or limited liability company, shall discriminate, retaliate against, or
23 take adverse action against any employee for exercising the rights
24 afforded to them under this section.

25 3. The commissioner shall make the employee's petition and the employ-
26 er's response to such petition available for public access on the
27 website of the department.

28 § 2. This act shall take effect immediately.

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

LBD13282-01-3