STATE OF NEW YORK

6945

2023-2024 Regular Sessions

IN ASSEMBLY

May 9, 2023

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

AN ACT to amend the labor law, in relation to an individual's right to request a hearing regarding an unemployment insurance benefits claim

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

Section 1. Subdivision 6 of section 596 of the labor law is amended by adding a new paragraph (e) to read as follows:

(e) If the individual does not begin to receive benefits or does not receive a written notice of determination denying their claim within thirty days of furnishing all of the information required under paragraph (a) of subdivision two of section five hundred ninety-seven of this title, they have the right to request a hearing as described in paragraph (a) of subdivision one of section six hundred twenty of this article.

§ 2. Paragraph (a) of subdivision 1 of section 620 of the labor law, as amended by chapter 554 of the laws of 2010, is amended to read as follows:

(a) A claimant who is dissatisfied with an initial determination of his or her claim for benefits or any other party, including any employer whose employer account percentage might be affected by such determination may, within thirty days after the mailing or personal delivery of notice of such determination, request a hearing. **Where such notice of determination has not been issued by the department, or received by the claimant, within thirty days of claimant's filing a claim for benefits and furnishing the required information, as provided for by subdivision one of section five hundred ninety-seven of this article, the claimant may request a hearing under the presumption that their claim has been denied.** The referee may extend the time fixed for requesting a hearing, upon evidence that the physical condition or mental incapacity of the claimant prevented the claimant from filing an appeal within thirty days

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

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of the initial determination. Any employer whose employer account percentage might be affected by such determination, irrespective of whether or not such employer was a party to a hearing brought hereunder, shall have access to all records of any hearing brought hereunder by any party relating to such determination, provided, however, that those records shall be subject to redaction or shall be withheld in accordance with applicable federal or state statutory and regulatory requirements governing information confidentiality and personal privacy, including, but not limited to, article six and article six-A of the public officers law.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such date.