

STATE OF NEW YORK

9460

IN SENATE

May 15, 2024

Introduced by Sen. RAMOS -- 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 decreasing the length of the suspension period applicable to certain striking workers who seek to obtain unemployment insurance benefits

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

1 Section 1. Subdivisions 1 and 3 of section 592 of the labor law, as
2 amended by chapter 20 of the laws of 2020, are amended to read as
3 follows:

4 1. Industrial controversy. (a) The accumulation of benefit rights by a
5 claimant shall be suspended during a period of [~~two consecutive weeks~~]
6 one week beginning with the day after such claimant lost [~~his or her~~]
7 their employment because of a strike or other industrial controversy
8 except for lockouts, including concerted activity not authorized or
9 sanctioned by the recognized or certified bargaining agent of the claim-
10 ant, and other concerted activity conducted in violation of any existing
11 collective bargaining agreement, in the establishment in which [~~he or~~
12 ~~she~~] such claimant was employed, except that benefit rights may be accu-
13 mulated before the expiration of such [~~two~~] one week period beginning
14 with the day after such strike or other industrial controversy was
15 terminated.

16 (b) Benefits shall not be suspended under this section if:

17 (i) The employer hires a permanent replacement worker for the employ-
18 ee's position. A replacement worker shall be presumed to be permanent
19 unless the employer certifies in writing that the employee will be able
20 to return to [~~his or her~~] such employee's prior position upon conclusion
21 of the strike, in the event the strike terminates prior to the conclu-
22 sion of the employee's eligibility for benefit rights under this chap-
23 ter. In the event the employer does not permit such return after such
24 certification, the employee shall be entitled to recover any benefits
25 lost as a result of the [~~two~~] one week suspension of benefits, and the
26 department may impose a penalty upon the employer of up to seven hundred
27 fifty dollars per employee per week of benefits lost. The penalty

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

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1 collected shall be paid into the unemployment insurance control fund
2 established pursuant to section five hundred fifty-two-b of this arti-
3 cle; or

4 (ii) The commissioner determines that the claimant:

5 (A) is not employed by an employer that is involved in the industrial
6 controversy that caused [~~his or her~~] such claimant's unemployment and is
7 not participating in the industrial controversy; or

8 (B) is not in a bargaining unit involved in the industrial controversy
9 that caused [~~his or her~~] such claimant's unemployment and is not partic-
10 ipating in the industrial controversy.

11 3. Terms of suspension. [~~No~~] The waiting period [~~may~~] and suspension
12 period shall be served [~~during a suspension period~~] concurrently.

13 The suspension of accumulation of benefit rights shall not be termi-
14 nated by subsequent employment of the claimant irrespective of when the
15 claim is filed except as provided in subdivision one of this section and
16 shall not be confined to a single benefit year.

17 A "week" as used in subdivision one of this section means any seven
18 consecutive calendar days.

19 § 2. This act shall take effect immediately.