

STATE OF NEW YORK

3053

2025-2026 Regular Sessions

IN ASSEMBLY

January 23, 2025

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:

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

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

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

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

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

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1 appeal within thirty days of the initial determination. Any employer
2 whose employer account percentage might be affected by such determi-
3 nation, irrespective of whether or not such employer was a party to a
4 hearing brought hereunder, shall have access to all records of any hear-
5 ing brought hereunder by any party relating to such determination,
6 provided, however, that those records shall be subject to redaction or
7 shall be withheld in accordance with applicable federal or state statu-
8 tory and regulatory requirements governing information confidentiality
9 and personal privacy, including, but not limited to, article six and
10 article six-A of the public officers law.

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