

# STATE OF NEW YORK

4644

2025-2026 Regular Sessions

## IN SENATE

February 10, 2025

Introduced by Sen. WEIK -- 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 allowing employees that refuse a coronavirus vaccine to be eligible for unemployment insurance

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

1 Section 1. Subdivision 1 of section 591 of the labor law, as amended  
2 by section 4 of chapter 305 of the laws of 2021, is amended to read as  
3 follows:

4 1. Unemployment. Benefits, except as provided in section five hundred  
5 ninety-one-a of this title, shall be paid only to a claimant who is  
6 totally unemployed or partially unemployed, including unemployment due  
7 to such employee's choice not to receive a coronavirus vaccine. A  
8 claimant who is receiving benefits under this article shall not be  
9 denied such benefits pursuant to this subdivision or to subdivision two  
10 of this section because of such claimant's service on a grand or petit  
11 jury of any state or of the United States.

12 § 2. Subdivision 1 of section 591 of the labor law, as amended by  
13 section 5 of chapter 305 of the laws of 2021, is amended to read as  
14 follows:

15 1. Unemployment. Benefits shall be paid only to a claimant who is  
16 totally unemployed or partially unemployed, including unemployment due  
17 to such employee's choice not to receive a coronavirus vaccine. A  
18 claimant who is receiving benefits under this article shall not be  
19 denied such benefits pursuant to this subdivision or to subdivision two  
20 of this section because of such claimant's service on a grand or petit  
21 jury of any state or of the United States.

22 § 3. Paragraph (a) of subdivision 1 of section 593 of the labor law,  
23 as amended by chapter 277 of the laws of 2021, is amended to read as  
24 follows:

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

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(a) No weeks of total unemployment or partial unemployment shall be deemed to occur after a claimant's voluntary separation without good cause from employment until he or she such claimant has subsequently worked in employment and earned remuneration at least equal to ten times ~~[his or her]~~ such claimant's weekly benefit rate. In addition to other circumstances that may be found to constitute good cause, including a compelling family reason as set forth in paragraph (b) of this subdivision, or choosing not to receive a coronavirus vaccine as set forth in paragraph (d) of this subdivision, voluntary separation from employment shall not in itself disqualify a claimant if circumstances have developed in the course of such employment that would have justified the claimant in refusing such employment in the first instance under the terms of subdivision two of this section or if the claimant, pursuant to an option provided under a collective bargaining agreement or written employer plan which permits waiver of ~~[his or her]~~ such claimant's right to retain the employment when there is a temporary layoff because of lack of work, has elected to be separated for a temporary period and the employer has consented thereto.

§ 4. Subdivision 1 of section 593 of the labor law is amended by adding a new paragraph (d) to read as follows:

(d) A claimant shall not be disqualified from receiving benefits for separation from employment due to choosing not to receive a coronavirus vaccine, which shall include, but not be limited to, choosing not to receive a mandatory coronavirus vaccination pursuant to (i) an order, executive order, directive, regulation, policy or other similar measure mandated by the department of health that healthcare employees be vaccinated by September twenty-seventh, two thousand twenty-one; or (ii) any policy issued by an employer to its employees that mandates the employee receive the coronavirus vaccine by a date certain or be terminated.

§ 5. This act shall take effect immediately; provided, however, that the amendments to subdivision 1 of section 591 of the labor law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to section 10 of chapter 413 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect.