A BUDGET BILL submitted by the Governor in accordance with Article VII of the Constitution

AN ACT to amend the labor law, in relation to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges; and to amend chapter 21 of the laws of 2021, amending the labor law relating to prohibiting the inclusion of claims for unemployment insurance arising from the closure of an employer due to COVID-19 from being included in such employer's experience rating charges, in relation to the effectiveness thereof (Part __);

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

PART __

Section 1. Subdivisions 3 and 4 of section 581-a of the labor law, as amended by chapter 21 of the laws of 2021, are amended to read as follows:

3. Notwithstanding the provisions of section five hundred eighty-one of this title to the contrary, and for the purpose of responding to the COVID-19 pandemic, any employer whose employees receive payments under this article [and whose claims for unemployment insurance arise due to the closure of the employer or a reduction in the workforce of the employer for reasons related to the COVID-19 pandemic, or due to a mandatory order of a government entity duly authorized to issue such order to close such employer due to the COVID-19 pandemic,] for unemployment claims made on or after March [twelfth] ninth, two thousand twenty and through the duration of the state disaster emergency declared by executive order number two hundred two of two thousand twenty and any
further amendments or modifications thereto, shall not have included in
their experience rating charges the amounts so paid to the employees
from the fund. Such charges, if not reimbursed, in whole or in part by
the federal government, shall be made to the general account for the
fund created by section five hundred fifty of this article.

4. The provisions of this section shall apply to an employer liable
for contributions or payments in lieu of contributions, but if the
secretary of labor of the United States finds that their application to
such employer does not meet the requirements of the Federal Unemployment
Tax Act, such provisions shall be inoperative with respect to such
employer, unless and until such finding has been set aside pursuant to a
final decision issued in accordance with such judicial review
proceedings as may be instituted and completed under the provisions of
section thirty-three hundred ten of the Federal Unemployment Tax Act.

§ 2. Section 2 of chapter 21 of the laws of 2021, amending the labor
law relating to prohibiting the inclusion of claims for unemployment
insurance arising from the closure of an employer due to COVID-19 from
being included in such employer's experience rating charges, is amended
to read as follows:

§ 2. This act shall take effect immediately [and shall expire December
31, 2021, when upon such date the provisions of this act shall be deemed
repealed].

§ 3. This act shall take effect immediately.