



1 thirty working days.

2 For the purpose of this subdivision, an individual shall not  
3 be deemed to have left his or her most recent work voluntarily  
4 without good cause involving fault on the part of the employer, if  
5 such individual leaves his or her most recent work with an employer  
6 and if he or she in fact, within a fourteen-day calendar period,  
7 does return to employment with the last preceding employer with  
8 whom he or she was previously employed within the past year prior  
9 to his or her return to workday, and which last preceding employer,  
10 after having previously employed such individual for thirty working  
11 days or more, laid off such individual because of lack of work,  
12 which layoff occasioned the payment of benefits under this chapter  
13 or could have occasioned the payment of benefits under this chapter  
14 had such individual applied for such benefits. It is the intent of  
15 this paragraph to cause no disqualification for benefits for such  
16 an individual who complies with the foregoing set of requirements  
17 and conditions. Further, for the purpose of this subdivision, an  
18 individual shall not be deemed to have left his or her most recent  
19 work voluntarily without good cause involving fault on the part of  
20 the employer, if such individual was compelled to leave his or her  
21 work for: ~~his or her own~~

22 (a) Health-related reasons and notifies the employer prior to  
23 leaving the job or within two business days after leaving the job  
24 or as soon as practicable and presents written certification from

1 a licensed physician within thirty days of leaving the job that his  
2 or her work aggravated, worsened or will worsen the individual's  
3 health problem.

4 (b) Domestic violence related reasons and the individual  
5 presents verification that he or she is the victim of domestic  
6 violence. The benefits payable under this provision shall be paid  
7 from the fund provided under the provisions of article eight of  
8 this chapter and are not chargeable to the employer.

9 (2) For the week in which he or she was discharged from his or  
10 her most recent work for misconduct and the six weeks immediately  
11 following such week; or for the week in which he or she was  
12 discharged from his or her last thirty-day employing unit for  
13 misconduct and the six weeks immediately following such week. Such  
14 disqualification shall carry a reduction in the maximum benefit  
15 amount equal to six times the individual's weekly benefit.  
16 However, if the claimant returns to work in covered employment for  
17 thirty days during his or her benefit year, whether or not such  
18 days are consecutive, the maximum benefit amount shall be increased  
19 by the amount of the decrease imposed under the disqualification;  
20 except that:

21 If he or she were discharged from his or her most recent work  
22 for one of the following reasons, or if he or she were discharged  
23 from his or her last thirty days employing unit for one of the  
24 following reasons: Gross misconduct consisting of willful

1 destruction of his or her employer's property; assault upon the  
2 person of his or her employer or any employee of his or her  
3 employer; if such assault is committed at such individual's place  
4 of employment or in the course of employment; reporting to work in  
5 an intoxicated condition, or being intoxicated while at work;  
6 reporting to work under the influence of any controlled substance,  
7 as defined in chapter sixty-a of this code without a valid  
8 prescription, or being under the influence of any controlled  
9 substance, as defined in said chapter without a valid prescription,  
10 while at work; adulterating or otherwise manipulating a sample or  
11 specimen in order to thwart a drug or alcohol test lawfully  
12 required of an employee; refusal to submit to random testing for  
13 alcohol or illegal controlled substances for employees in safety  
14 sensitive positions as defined in section two, article one-d,  
15 chapter twenty-one of this code; arson, theft, larceny, fraud or  
16 embezzlement in connection with his or her work; or any other gross  
17 misconduct, he or she shall be and remain disqualified for benefits  
18 until he or she has thereafter worked for at least thirty days in  
19 covered employment: *Provided,* That for the purpose of this  
20 subdivision, the words "any other gross misconduct" shall include,  
21 but not be limited to, any act or acts of misconduct where the  
22 individual has received prior written warning that termination of  
23 employment may result from such act or acts.

24 (3) For the week in which he or she failed without good cause

1 to apply for available, suitable work, accept suitable work when  
2 offered, or return to his or her customary self-employment when  
3 directed to do so by the commissioner, and for the four weeks which  
4 immediately follow for such additional period as any offer of  
5 suitable work shall continue open for his or her acceptance. Such  
6 disqualification shall carry a reduction in the maximum benefit  
7 amount equal to four times the individual's weekly benefit amount.

8       (4) For a week in which his or her total or partial  
9 unemployment is due to a stoppage of work which exists because of  
10 a labor dispute at the factory, establishment or other premises at  
11 which he or she was last employed, unless the commissioner is  
12 satisfied that he or she: ~~(1)~~(a) Was not participating, financing  
13 or directly interested in such dispute; and ~~(2)~~(b) did not belong  
14 to a grade or class of workers who were participating, financing or  
15 directly interested in the labor dispute which resulted in the  
16 stoppage of work. No disqualification under this subdivision shall  
17 be imposed if the employees are required to accept wages, hours or  
18 conditions of employment substantially less favorable than those  
19 prevailing for similar work in the locality, or if employees are  
20 denied the right of collective bargaining under generally  
21 prevailing conditions, or if an employer shuts down his or her  
22 plant or operation or dismisses his or her employees in order to  
23 force wage reduction, changes in hours or working conditions. For  
24 the purpose of this subdivision if any stoppage of work continues

1 longer than four weeks after the termination of the labor dispute  
2 which caused stoppage of work, there shall be a rebuttable  
3 presumption that part of the stoppage of work which exists after a  
4 period of four weeks after the termination of the labor dispute did  
5 not exist because of the labor dispute; and in that event the  
6 burden shall be upon the employer or other interested party to show  
7 otherwise.

8       (5) For a week with respect to which he or she is receiving or  
9 has received:

10       (a) Wages in lieu of notice;

11       (b) Compensation for temporary total disability under the  
12 workers' compensation law of any state or under a similar law of  
13 the United States; or

14       (c) Unemployment compensation benefits under the laws of the  
15 United States or any other state.

16       (6) For the week in which an individual has voluntarily quit  
17 employment to marry or to perform any marital, parental or family  
18 duty, or to attend to his or her personal business or affairs and  
19 until the individual returns to covered employment and has been  
20 employed in covered employment at least thirty working days.

21       (7) Benefits shall not be paid to any individual on the basis  
22 of any services, substantially all of which consist of  
23 participating in sports or athletic events or training or preparing  
24 to so participate, for any week which commences during the period

1 between two successive sport seasons (or similar periods) if such  
2 individual performed such services in the first of such seasons (or  
3 similar periods) and there is a reasonable assurance that such  
4 individual will perform such services in the later of such seasons  
5 (or similar periods).

6 (8) (a) Benefits shall not be paid on the basis of services  
7 performed by an alien unless such alien is an individual who was  
8 lawfully admitted for permanent residence at the time such services  
9 were performed, was lawfully present for purposes of performing  
10 such services or was permanently residing in the United States  
11 under color of law at the time such services were performed  
12 (including an alien who is lawfully present in the United States as  
13 a result of the application of the provisions of Section 203(a) (7)  
14 or Section 212(d) (5) of the Immigration and Nationality Act):

15 *Provided*, That any modifications to the provisions of Section  
16 3304(a) (14) of the federal Unemployment Tax Act as provided by  
17 Public Law 94-566 which specify other conditions or other effective  
18 date than stated herein for the denial of benefits based on  
19 services performed by aliens and which modifications are required  
20 to be implemented under state law as a condition for full tax  
21 credit against the tax imposed by the federal Unemployment Tax Act  
22 shall be deemed applicable under the provisions of this section;

23 (b) Any data or information required of individuals applying  
24 for benefits to determine whether benefits are not payable to them

1 because of their alien status shall be uniformly required from all  
2 applicants for benefits;

3 (c) In the case of an individual whose application for  
4 benefits would otherwise be approved, no determination that  
5 benefits to such individual are not payable because of his or her  
6 alien status shall be made except upon a preponderance of the  
7 evidence.

8 (9) For each week in which an individual is unemployed  
9 because, having voluntarily left employment to attend a school,  
10 college, university or other educational institution, he or she is  
11 attending such school, college, university or other educational  
12 institution, or is awaiting entrance thereto or is awaiting the  
13 starting of a new term or session thereof, and until the individual  
14 returns to covered employment.

15 (10) For each week in which he or she is unemployed because of  
16 his or her request, or that of his or her duly authorized agent,  
17 for a vacation period at a specified time that would leave the  
18 employer no other alternative but to suspend operations.

19 (11) In the case of an individual who accepts an early  
20 retirement incentive package, unless he or she: ~~(i)~~(a) Establishes  
21 a well-grounded fear of imminent layoff supported by definitive  
22 objective facts involving fault on the part of the employer; and  
23 ~~(ii)~~(b) establishes that he or she would suffer a substantial loss  
24 by not accepting the early retirement incentive package.

1           (12) For each week with respect to which he or she is  
2 receiving or has received benefits under Title II of the Social  
3 Security Act or similar payments under any act of Congress, or  
4 remuneration in the form of an annuity, pension or other retirement  
5 pay from a base period employer or chargeable employer or from any  
6 trust or fund contributed to by a base period employer or  
7 chargeable employer or any combination of the above, the weekly  
8 benefit amount payable to such individual for such week shall be  
9 reduced (but not below zero) by the prorated weekly amount of said  
10 benefits, payments or remuneration: *Provided*, That if such amount  
11 of benefits is not a multiple of \$1, it shall be computed to the  
12 next lowest multiple of \$1: *Provided, however*, That there shall be  
13 no disqualification if in the individual's base period there are no  
14 wages which were paid by the base period employer or chargeable  
15 employer paying such remuneration, or by a fund into which the  
16 employer has paid during said base period: *Provided further*, That  
17 notwithstanding any other provision of this subdivision to the  
18 contrary, the weekly benefit amount payable to such individual for  
19 such week shall not be reduced by any retirement benefits he or she  
20 is receiving or has received under Title II of the Social Security  
21 Act or similar payments under any act of Congress. Claimant may be  
22 required to certify as to whether or not he or she is receiving or  
23 has been receiving remuneration in the form of an annuity, pension  
24 or other retirement pay from a base period employer or chargeable

1 employer or from a trust fund contributed to by a base period  
2 employer or chargeable employer.

3       (13) For each week in which and for fifty-two weeks  
4 thereafter, beginning with the date of the decision, if the  
5 commissioner finds such individual who within twenty-four calendar  
6 months immediately preceding such decision, has made a false  
7 statement or representation knowing it to be false or knowingly  
8 fails to disclose a material fact, to obtain or increase any  
9 benefit or payment under this article: *Provided, That*  
10 disqualification under this subdivision shall not preclude  
11 prosecution under section seven, article ten of this chapter.

NOTE: The purpose of this bill is to provide for the payment of unemployment compensation when a person misses work due to domestic violence. The bill provides that the employer is not chargeable for benefits paid when the worker is unable to work due to domestic violence but that the benefits are paid from the General Unemployment Compensation Fund.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.