

# LABOR AND EMPLOYMENT LAW

## INFORMATION MEMO

OCTOBER 6, 2023

### Gov. Hochul Signs Legislation to Strengthen Workers' Rights in New York State

On Sept. 14, 2023, Gov. Kathy Hochul signed three pieces of legislation into law, all of which are reflective of Gov. Hochul's ongoing efforts to strengthen workers' rights in New York State.

#### Written Notice of Unemployment Benefits

Bill (S. 4878-A/A. 398-A) amends Section 590 of the Labor Law. Under this new legislation, employers must provide written notice of eligibility for unemployment benefits to any employee who has been terminated, temporarily separated, experienced a reduction in hours or any other interruption of continued employment that results in total or partial unemployment. This information must be disclosed on a form furnished or approved by the Department of Labor (DOL).

The new law will take effect on Nov. 13, 2023.

#### Personal Account Information Disclosure

Beginning March 12, 2024, employers are prohibited from requesting, requiring or coercing an employee or job applicant to: (i) disclose a username and password or other login information in order to access a personal account through an electronic communication device; (ii) access a personal account in the employer's presence; or (iii) reproduce information contained within a personal account through unlawful measures. This new legislation, which amends the Labor Law to add section 201-i, prohibits an employer from discharging or disciplining an employee or refusing to hire an applicant for failure to disclose such information.

This law is also subject to certain exceptions and limitations. For example, an employer may require disclosure of personal information in order to access nonpersonal accounts that allow access to the employer's internal computer or information systems. Employers may also view, access and rely on information obtained through the public domain. The law also allows an employer to obtain login information for accounts provided by the employer where the account is used for business purposes and the employee was provided prior notice of the employer's right to inquire about such information.

An employer is also permitted to access an electronic communications device which is paid for in whole or in part by the employer where the provision of or payment for such device was conditioned on the employer's right to access. However, the employee must have been provided with prior notice of the condition and explicitly agreed to it. Nevertheless, the employer is still prohibited from accessing any personal accounts on the device.

This law excludes law enforcement agencies, fire departments and departments of corrections and community supervision.

## **DOL Notices to Unemployment Applicants**

Under this new legislation, the DOL is now required to provide notice to unemployment applicants of the supplemental nutrition assistance program (SNAP) and the special supplemental nutrition program for women, infants and children (WIC). This new law takes effect Jan. 12, 2024.

If you have any questions about the information presented in this memo, please contact [Kali Schreiner](#), any attorney in Bond's [labor and employment practice](#) or the attorney at Bond with whom you are regularly in contact.

