

Furloughs, Layoffs, and New York State Laws

During this uncertain time of COVID-19, many employers may have the unpleasant task of restructuring or reducing staff. The two most common forms of such are known as **furlough** and **lay-offs**. Each are defined below:

Furlough – also known as a “temporary layoff”, this often involves lessening the days which an individual is permitted to work, while leaving the employee on the company payroll, but at an unpaid status. If while an employee is furloughed, their salary or pay is decreased, the employee must be informed before the decrease goes into affect.

Lay-Offs – this is the interim or indefinite termination of an employee.

TERMINATION PAPERWORK REQUIREMENTS IN NEW YORK STATE

1. The employer is required to pay the individual’s closing wages by the following regular payday;
2. The employer is required to supply to the individual with an “unemployment insurance notice”, it is additionally suggested that employees give said document to furloughed employees, since they also qualify for such benefits as well for the duration of the furlough;
3. The employer is required to inform the employee of the termination inside of 5 days of their day of termination.
4. The employer is required to ⁶⁻⁷

If an employer does not fulfill the above requirements, the State of New York has full authority to penalize them.