STATE OF NEW YORK

4424

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law and the executive law, in relation to enacting the "anti-waiver of employment rights act"

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

Section 1. Short title. This act shall be known and may be cited as the "anti-waiver of employment rights act".

§ 2. Legislative findings and intent. 1. The legislature finds and declares that it has always been its intention that the rights provided under the labor law and the human rights law be mandatory and non-waivable through private agreement. The legislature further finds and declares that it is the policy of this state that workers be permitted to enforce these rights collectively, including through article 9 of the civil practice law and rules. However, some courts have misconstrued these statutes as permitting waivers of these statutory rights.

2. In light of these erroneous decisions, some employers have taken advantage of these decisions to require employees to sign waivers that purport to contractually shorten their statute of limitations for bringing claims under the labor law or human rights law, or that purport to waive other rights that employees have under the labor law and the human rights law, as well as procedural mechanisms to enforce those rights collectively, such as article 9 of the civil practice law and rules. Such purported waivers have always been and continue to be against public policy.

§ 3. The labor law is amended by adding a new section 219-e to read as follows:

§ 219-e. Waiver agreements void. 1. Waivers void. No express or implied contractual provision waiving or otherwise limiting any employee's substantive or procedural rights, remedies, or claim, whether asserted or unasserted and whether legally cognizable or not, in

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

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connection with this chapter or under any employment agreement shall be valid. Exceptions to this subdivision shall exist for such waivers that may be mutually agreed to and included in: (a) the settlement of any good faith bona fide dispute in which an employee raises a claim against their employer; or

(b) an agreement entered upon or following the termination of an employee's employment. The provisions of this subdivision shall not apply where application of such provisions would be preempted by federal law.

2. Severability. If any clause, sentence, paragraph or subdivision of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or subdivision thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this section would have been enacted even if such invalid provisions had not been included herein.

3. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.

§ 4. The executive law is amended by adding a new section 302 to read as follows:

§ 302. Waiver agreement void. 1. Waivers void. No express or implied contractual provision waiving or otherwise limiting any employee's substantive or procedural rights, remedies, or claim, whether asserted or unasserted and whether legally cognizable or not, in connection with this article or under any employment agreement shall be valid. Exceptions to this subdivision shall exist for such waivers that may be mutually agreed to and included in: (a) the settlement of any good faith bona fide dispute in which an employee raises a claim against their employer; or

(b) an agreement entered upon or following the termination of an employee's employment. The provisions of this subdivision shall not apply where application of such provisions would be preempted by federal law.

2. Severability. If any clause, sentence, paragraph or subdivision of this section shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph or subdivision thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this section would have been enacted even if such invalid provisions had not been included herein.

3. Existing rights. Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any employee under any other law or regulation or under any collective bargaining agreement or employment contract.

§ 5. This act shall take effect immediately.