

# 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:

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

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

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

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

22 § 219-e. Waiver agreements void. 1. Waivers void. No express or  
23 implied contractual provision waiving or otherwise limiting any employ-  
24 ee's substantive or procedural rights, remedies, or claim, whether  
25 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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1 connection with this chapter or under any employment agreement shall be  
2 valid. Exceptions to this subdivision shall exist for such waivers that  
3 may be mutually agreed to and included in: (a) the settlement of any  
4 good faith bona fide dispute in which an employee raises a claim against  
5 their employer; or

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

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

19 3. Existing rights. Nothing in this section shall be deemed to dimin-  
20 ish the rights, privileges, or remedies of any employee under any other  
21 law or regulation or under any collective bargaining agreement or  
22 employment contract.

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

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

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

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

47 3. Existing rights. Nothing in this section shall be deemed to dimin-  
48 ish the rights, privileges, or remedies of any employee under any other  
49 law or regulation or under any collective bargaining agreement or  
50 employment contract.

51 § 5. This act shall take effect immediately.