

STATE OF NEW YORK

7819--A

IN SENATE

February 25, 2020

Introduced by Sens. GOUNARDES, BIAGGI, GAUGHRAN, HOYLMAN, KRUEGER, LIU, MAYER, RIVERA, SANDERS, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law, in relation to the release of certain claims by certain employees

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

1 Section 1. The general obligations law is amended by adding a new
2 section 5-338 to read as follows:

3 § 5-338. Release of certain employee claims. 1. For purposes of this
4 section, the following terms shall have the following meanings:

5 (a) "Employer" shall mean all employers within the state.

6 (b) "Employee" shall mean all employees within the state.

7 2. No release of any claim by an employee, or independent contractor
8 who is a natural person, against an employer, is enforceable if, as a
9 condition of such release, the employee or independent contractor is
10 prohibited from applying for, accepting, or engaging in future employ-
11 ment with such employer, or any entity or entities related to such
12 employer. The provisions of this section shall not preclude an employee
13 and employer from agreeing to terminate an existing employment relation-
14 ship as part of a settlement of a claim. If a release of a claim is
15 rendered unenforceable pursuant to this section, the employer shall
16 remain bound by all other provisions of the settlement agreement,
17 including the obligation to provide the full consideration to the
18 employee as set forth in the agreement.

19 § 2. This act shall take effect on the sixtieth day after it shall
20 have become a law.

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

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