STATE OF NEW YORK

9993--A

IN ASSEMBLY

March 4, 2020
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Introduced by M. of A. CRUZ, L. ROSENTHAL, BLAKE, GALEF, SIMON, EPSTEIN, SALKA -- read once and referred 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 public and private employers within the**
6 **state.**
7 **(b) "Employee" shall mean all public and private employees within the**
8 **state.**
9 **2. No release of any claim by an employee, or independent contractor**
10 **who is a natural person, against an employer, is enforceable if, as part**
11 **of the agreement resolving such claim, the employee or independent**
12 **contractor is prohibited from applying for, accepting, or engaging in**
13 **future employment with such employer, or any entity or entities related**
14 **to such employer. The provisions of this section shall not preclude an**
15 **employee and employer from agreeing to terminate an existing employment**
16 **relationship as part of a settlement of a claim. If a release of a**
17 **claim is rendered unenforceable pursuant to this section, the employer**
18 **shall remain bound by all other provisions of the settlement agreement,**
19 **including the obligation to provide the full consideration to the**
20 **employee as set forth in the agreement.**
21 § 2. This act shall take effect on the sixtieth day after it shall
22 have become a law and shall apply to all agreements entered into on and
23 after such date.

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