

# STATE OF NEW YORK

3937

2019-2020 Regular Sessions

## IN SENATE

February 21, 2019

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

AN ACT to amend the general obligations law, in relation to prohibiting agreements between employers that directly restrict the current or future employment of any employee

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

1 Section 1. This act shall be known and may be cited as the "End  
2 Employer Collusion Act".

3 § 2. The general obligations law is amended by adding a new section  
4 5-337 to read as follows:

5 § 5-337. Agreements between employers restricting the current or  
6 future employment of an employee void. (a) For the purposes of this  
7 section, the following term "restrictive employment agreement" shall  
8 mean any agreement that:

9 (i) is between two or more employers, including through a franchise  
10 agreement or a contractor-subcontractor agreement; and

11 (ii) prohibits or restricts one employer from soliciting or hiring  
12 another employer's employees or former employees.

13 (b) Notwithstanding any other law to the contrary, no employer shall  
14 enter into a restrictive employment agreement with another employer,  
15 enforce a restrictive employment agreement or threaten to enforce a  
16 restrictive employment agreement and any restrictive employment agree-  
17 ment is hereby declared to be contrary to public policy and wholly void.

18 (c) Every person who was denied employment due to a restrictive  
19 employment agreement or was otherwise damaged due to a violation of  
20 subdivision (b) of this section may, within three years after such  
21 denial of employment, sue for and recover a judgment equal to the sum of  
22 (i) any actual damages sustained by the individual as a result of such  
23 violation, (ii) such amount of punitive damages as the court may allow,  
24 and (iii) in the case of any successful action to enforce any liability  
25 under this section, the costs of the action together with reasonable  
26 attorney's fees as determined by the court.

27 § 3. This act shall take effect immediately.

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

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