

# STATE OF NEW YORK

1345

2021-2022 Regular Sessions

## IN SENATE

January 11, 2021

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 employers from requiring certain conditions or preconditions of employment

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. Conditions and preconditions of employment. 1. As used in  
4 this section the following terms shall have the following meanings:

5 (a) "Employer" means any person, either individual, corporation, part-  
6 nership, agency, or firm, that employs an employee and includes any  
7 person, either individual, corporation, partnership, agency, or firm,  
8 acting directly or indirectly in the interest of an employer in relation  
9 to an employee; and

10 (b) "Employee" means any person employed by or suffered or permitted  
11 to work for an employer.

12 2. Notwithstanding any provision of law to the contrary, no employer  
13 shall require as a condition or precondition of employment that any  
14 employee or person seeking employment waive, arbitrate, or otherwise  
15 diminish any existing or future claim, right, or benefit to which the  
16 employee or person seeking employment would otherwise be entitled under  
17 any provision of any New York state or federal law.

18 3. The provisions of this section shall not apply to contracts or  
19 agreements negotiated with any labor union through collective bargain-  
20 ing.

21 § 2. This act shall take effect on the ninetieth day after it shall  
22 have become a law.

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

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