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:

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

§ 5-338. Conditions and preconditions of employment. 1. As used in this section the following terms shall have the following meanings:

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

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

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

3. The provisions of this section shall not apply to contracts or agreements negotiated with any labor union through collective bargaining.

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

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

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