STATE OF NEW YORK

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2021-2022 Regular Sessions

IN SENATE

(Prefiled)

January 6, 2021
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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

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 Assem-
bly, 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.