

STATE OF NEW YORK

306

2023-2024 Regular Sessions

IN ASSEMBLY

January 4, 2023

Introduced by M. of A. CRUZ, L. ROSENTHAL, SIMON, EPSTEIN, MAMDANI,
BICHOTTE HERMELYN, FAHY, GONZALEZ-ROJAS, SEAWRIGHT, DINOWITZ, PAULIN
-- read once and referred 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:

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

§ 5-338. Release of certain employee claims. 1. For purposes of this
section, the following terms shall have the following meanings:

(a) "Employer" shall mean all public and private employers within the
state.

(b) "Employee" shall mean all public and private employees within the
state.

2. No release of any claim by an employee, or independent contractor
who is a natural person, against an employer, is enforceable if, as part
of the agreement resolving such claim, the employee or independent
contractor is prohibited from applying for, accepting, or engaging in
future employment with such employer, or any entity or entities related
to such employer. The provisions of this section shall not preclude an
employee and employer from agreeing to terminate an existing employment
relationship as part of a settlement of a claim. If a release of a
claim is rendered unenforceable pursuant to this section, the employer
shall remain bound by all other provisions of the settlement agreement,
including the obligation to provide the full consideration to the
employee as set forth in the agreement.

§ 2. This act shall take effect on the sixtieth day after it shall
have become a law and shall apply to all agreements entered into on and
after such date.

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

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