

# 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:

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.

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

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