STATE OF NEW YORK

7609--B

2023-2024 Regular Sessions

IN SENATE

July 21, 2023

Introduced by Sen. GIANARIS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Labor in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to establishing the "no severance ultimatums act"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "no severance ultimatums act".

§ 2. The labor law is amended by adding a new section 215-d to read as follows:

§ 215-d. Prohibition against coercive severance ultimatums. 1. Definitions. For the purposes of this section, the following terms shall have the following meanings:

(a) "Employee" shall have the same meaning as set forth in section one hundred ninety of this chapter.

(b) "Employer" shall:

(i) have the same meaning as set forth in section one hundred ninety of this chapter; and

(ii) include governmental agencies.

2. Severance ultimatums. Any employer offering an employee or former employee an agreement related to such employee's severance from employment shall notify such employee that:

(a) Such employee has the right to consult an attorney regarding such agreement, and such employee shall be provided with a reasonable period of time not less than twenty-one business days in which to consider the agreement;

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

LBD11903-04-4

(b) Such employee may revoke such agreement within seven days of the execution of such agreement, and the agreement shall not become effective or enforceable until such revocation period has expired; and

(c) Such employee may sign such agreement prior to the end of such revocation period, as long as such employee's decision to shorten such revocation period is knowing, voluntary, and not induced by the employer through fraud, misrepresentation, or a threat to withdraw or alter such revocation period prior to the expiration of such revocation period, or by providing different terms to such employee if such employee signs such agreement prior to the expiration of such revocation period.

3. The provisions of this section shall not apply to any severance agreement negotiated pursuant to a collective bargaining agreement.

4. Notwithstanding any other law to the contrary, any severance agreement shall be deemed void and unenforceable if it violates the provisions of subdivision two of this section.

5. Nothing herein shall be deemed in any way to limit, restrict, or impair any law, rule, or regulation from providing greater protections than provided for in this section.

§ 3. This act shall take effect immediately.