

# STATE OF NEW YORK

1214--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 9, 2025

Introduced by M. of A. DINOWITZ, REYES, SAYEGH, SIMON, STIRPE, STECK, GLICK, WEPRIN, CRUZ, KELLES, JACKSON, ROSENTHAL, TAPIA -- Multi-Sponsored by -- M. of A. COOK -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 5-338. Conditions and preconditions of employment. 1. As used in  
4 this section the following terms shall have the following meanings:

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

10 (b) "Employee" means any person employed by or suffered or permitted  
11 to work for an employer, who is neither an officer nor employed pursuant  
12 to an individualized, mutually-negotiated employment contract.

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

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

LBD01725-02-6

1 3. The provisions of this section shall not apply to contracts or  
2 agreements negotiated with any labor union through collective bargain-  
3 ing.  
4 § 2. This act shall take effect on the ninetieth day after it shall  
5 have become a law.