

STATE OF NEW YORK

5411--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law and the executive law, in relation to enacting the "anti-waiver of employment rights act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "anti-waiver of employment rights act".

3 § 2. Legislative findings and intent. 1. The legislature finds and
4 declares that it has always been its intention that the rights provided
5 under the labor law and the human rights law be mandatory and non-waiva-
6 ble through private agreement. The legislature further finds and
7 declares that it is the policy of this state that workers be permitted
8 to enforce these rights collectively, including through article 9 of the
9 civil practice law and rules. However, some courts have misconstrued
10 these statutes as permitting waivers of these statutory rights.

11 2. In light of these erroneous decisions, some employers have taken
12 advantage of these decisions to require employees to sign waivers that
13 purport to contractually shorten their statute of limitations for bring-
14 ing claims under the labor law or human rights law, or that purport to
15 waive other rights that employees have under the labor law and the human
16 rights law, as well as procedural mechanisms to enforce those rights
17 collectively, such as article 9 of the civil practice law and rules.
18 Such purported waivers have always been and continue to be against
19 public policy.

20 § 3. The labor law is amended by adding a new section 219-e to read as
21 follows:

22 § 219-e. Waiver agreements void. 1. Waivers void. No express or
23 implied contractual provision waiving or otherwise limiting any employ-
24 ee's substantive or procedural rights, remedies, or claim, whether

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

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1 asserted or unasserted and whether legally cognizable or not, in
2 connection with this chapter or under any employment agreement shall be
3 valid. Exceptions to this subdivision shall exist for such waivers that
4 may be mutually agreed to and included in: (a) the settlement of any
5 good faith bona fide dispute not raised or initiated by an employer; or

6 (b) an agreement entered upon or following the termination of an
7 employee's employment. The provisions of this subdivision shall not
8 apply where application of such provisions would be preempted by federal
9 law.

10 2. Severability. If any clause, sentence, paragraph or subdivision of
11 this section shall be adjudged by any court of competent jurisdiction to
12 be invalid, such judgment shall not affect, impair, or invalidate the
13 remainder thereof, but shall be confined in its operation to the clause,
14 sentence, paragraph or subdivision thereof directly involved in the
15 controversy in which such judgment shall have been rendered. It is here-
16 by declared to be the intent of the legislature that this section would
17 have been enacted even if such invalid provisions had not been included
18 herein.

19 3. Existing rights. (a) Nothing in this section shall be deemed to
20 diminish the rights, privileges, or remedies of any employee under any
21 other law or regulation or under any collective bargaining agreement or
22 employment contract.

23 (b) Subdivision one of this section shall not apply to any dispute
24 resolution process contained in the terms of a collective bargaining
25 agreement, or where such waiver in a collective bargaining agreement is
26 expressly authorized in the statute establishing the substantive or
27 procedural right, privilege, or remedy.

28 § 4. The executive law is amended by adding a new section 302 to read
29 as follows:

30 § 302. Waiver agreement void. 1. Waivers void. No express or implied
31 contractual provision waiving or otherwise limiting any employee's
32 substantive or procedural rights, remedies, or claim, whether asserted
33 or unasserted and whether legally cognizable or not, in connection with
34 this article or under any employment agreement shall be valid.
35 Exceptions to this subdivision shall exist for such waivers that may be
36 mutually agreed to and included in: (a) the settlement of any good faith
37 bona fide dispute not raised or initiated by an employer; or

38 (b) an agreement entered upon or following the termination of an
39 employee's employment. The provisions of this subdivision shall not
40 apply where application of such provisions would be preempted by federal
41 law.

42 2. Severability. If any clause, sentence, paragraph or subdivision of
43 this section shall be adjudged by any court of competent jurisdiction to
44 be invalid, such judgment shall not affect, impair, or invalidate the
45 remainder thereof, but shall be confined in its operation to the clause,
46 sentence, paragraph or subdivision thereof directly involved in the
47 controversy in which such judgment shall have been rendered. It is here-
48 by declared to be the intent of the legislature that this section would
49 have been enacted even if such invalid provisions had not been included
50 herein.

51 3. Existing rights. (a) Nothing in this section shall be deemed to
52 diminish the rights, privileges, or remedies of any employee under any
53 other law or regulation or under any collective bargaining agreement or
54 employment contract.

55 (b) Subdivision one of this section shall not apply to any dispute
56 resolution process contained in the terms of a collective bargaining

1 agreement, or where such waiver in a collective bargaining agreement is
2 expressly authorized in the statute establishing the substantive or
3 procedural right, privilege, or remedy.

4 § 5. This act shall take effect immediately.