STATE OF NEW YORK

9342

2025-2026 Regular Sessions

IN ASSEMBLY

December 10, 2025

Introduced by M. of A. VANEL -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to required notices for employees receiving resignation solicitations

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

Section 1. The labor law is amended by adding a new section 219-e to read as follows:

§ 219-e. Notice to resigning employees. 1. As used in this section, "resignation solicitation" means any request, demand, encouragement, or offer that an employee resign, including a resignation in lieu of termination that is initiated by the employer. A resignation solicitation shall also include situations where, after being terminated, an employee either asks the employer, or is offered by the employer, to have the termination reclassified as a resignation and the employer agrees to that request.

2. An employer who makes a resignation solicitation shall, at the point such solicitation is made and prior to any acceptance of resignation, provide the employee a notice on a form prescribed by the department stating, among other statements that the department shall prescribe, that:

(a) resignation may adversely affect the employee's eligibility for Unemployment Insurance;

(b) eligibility for unemployment insurance is determined solely by the department, and an employee may file a claim regardless of whether the separation is labeled a resignation;

(c) resignation may affect employer-provided health insurance coverage, including loss of subsidies, and may result in the employee being responsible for the full cost of COBRA continuation health insurance coverage;

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

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(d) resignation may affect compensation and benefits, including eligibility or vesting of bonuses, commissions, equity awards, and employer retirement contributions;

(e) resignation may trigger repayment under employer programs such as tuition payments, relocation, or sign-on bonuses and that such employee should review such compensation agreements prior to resigning;

(f) resignation may affect eligibility for certain benefits or protections, including disability benefits or immigration-related work authorization;

(g) resignation may affect access to internal grievance, appeal, or arbitration procedures available to current employees;

(h) resignation may affect your ability to pursue claims in court or arbitration, including your available remedies such as reinstatement or back pay, and defenses the employer may raise, and that resigning may waive certain claims;

(i) if the employee believes they have a claim against their employer, they should consult with an attorney before resigning;

(j) pursuant to this section, the employee's resignation made in response to a resignation solicitation is not effective unless they resign in writing;

(k) the employee is not required to resign if their employer demands that they do so; and

(l) pursuant to this section, any rule, statement or contractual provision waiving or limiting an employee's rights under this section is void.

3. Such form shall also include:

(a) a space denoting the date that such form was sent to the employee which shall be completed by the employer;

(b) a web link or phone number to request the contents of such form in a different language; and

(c) a complaint contact number for the department.

4. The fact that an employee is in receipt of the form required by this section shall not be considered a resignation.

5. The form prescribed in subdivision two of this section may be provided electronically or in person.

6. An employer shall retain a copy of such form and the medium in which it was sent for a period of three years.

7. The form shall only be considered to be received by the employee where such form is provided to the employee independent of any other documents as soon as practicable following a resignation request being made by the employer.

8. Where an employer contests an employee's unemployment insurance eligibility, it shall submit a copy of the notice and proof of delivery to the department, affirmed under penalty of perjury that such copies are true and correct copies of such form and notice.

9. Where an employer fails to provide such form required by this section to an employee after soliciting a resignation and such employee resigns such resignation shall be deemed a non-disqualifying separation and an involuntary quit. Notwithstanding the provisions of this subdivision, an employer shall not be barred from asserting a disqualifying reason other than the employee's resignation.

10. An employer that fails to provide such form to the employee when a resignation solicitation is made or as soon as practicable after such resignation solicitation is made or fails to submit such form to the department when contesting that employee's claim for benefits shall be deemed to have waived any defense based on the employee's voluntary

separation. Such employer shall be precluded from introducing or relying upon such form in any subsequent proceeding related to that separation.

11. Regardless of the department's determination, where an employer fails to comply with the provisions of this section, other than subdivision eight of this section, such employer shall be assessed a civil penalty that is the greater of two thousand dollars per violation or two times the total sum of any amounts required to be repaid to the employer by the employee such as bonuses or tuition payments, regardless of whether or not such employer pursues such repayment.

12. Any rule or contractual provision eliminating or augmenting an employee's rights with respect to this section shall be deemed void.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.