STATE OF NEW YORK

372--A

Cal. No. 442

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. GIANARIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee and committed to the Committee on Rules -- reported favorably from said committee, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

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.

(c) "Severance agreement" shall mean an agreement offered by an employer to an employee upon separation of employment and related to such separation that requires such employee to release waivable claims against their employer.

2. Severance ultimatums. Any employer offering an employee or former employee a severance agreement shall notify such employee that:

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

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(a) Such employee has the right to consult an attorney regarding such agreement;

(b) Such employee shall be provided with a consideration period of not less than twenty-one calendar days within which to consider the agreement;

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

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

3. The provisions of this section may be waived by any severance agreement that specifically acknowledges the provisions of this section and 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.