

STATE OF NEW YORK

4424--A

Cal. No. 1192

2025-2026 Regular Sessions

IN SENATE

February 4, 2025

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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1 § 219-e. Waiver agreements void. 1. Waivers void. No express or
2 implied contractual provision waiving or otherwise limiting any employ-
3 ee's substantive or procedural rights, remedies, or claim, whether
4 asserted or unasserted and whether legally cognizable or not, in
5 connection with this chapter or under any employment agreement shall be
6 valid. Exceptions to this subdivision shall exist for such waivers that
7 may be mutually agreed to and included in: (a) the settlement of any
8 good faith bona fide dispute not raised or initiated by an employer; or
9 (b) an agreement entered upon or following the termination of an
10 employee's employment. The provisions of this subdivision shall not
11 apply where application of such provisions would be preempted by federal
12 law.

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

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

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

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

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

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

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

54 3. Existing rights. (a) Nothing in this section shall be deemed to
55 diminish the rights, privileges, or remedies of any employee under any

1 other law or regulation or under any collective bargaining agreement or
2 employment contract.

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

8 § 5. This act shall take effect immediately.