

STATE OF NEW YORK

8966

IN SENATE

January 21, 2026

Introduced by Sen. RAMOS -- read twice and ordered printed, and when printed to be committed 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;

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

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

LBD14128-01-5

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

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

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

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

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

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

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

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

23 3. Such form shall also include:

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

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

28 (c) a complaint contact number for the department.

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

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

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

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

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

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

49 10. An employer that fails to provide such form to the employee when a
50 resignation solicitation is made or as soon as practicable after such
51 resignation solicitation is made or fails to submit such form to the
52 department when contesting that employee's claim for benefits shall be
53 deemed to have waived any defense based on the employee's voluntary
54 separation. Such employer shall be precluded from introducing or relying
55 upon such form in any subsequent proceeding related to that separation.

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

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

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