

Client Alert: New York Bill Proposes Extended Statute of Limitations for Workplace Discrimination Claims, by Keith J. Gutstein, Esq., 11-13-2025

New York lawmakers are considering proposed legislation, which if enacted into law, would extend the statute of limitations for workplace discrimination claims from the current three-year period to six years.

The bill (S1142/A188) has passed the Senate and is currently before the Assembly Judiciary Committee.

Current state law sets forth a three-year statute of limitations for civil claims in cases of workplace discrimination, including discrimination in the form of harassment.

The proposed legislation, which would amend Section 213 of the NY Civil Practice Law and Rules (CPLR), would double that timeframe for employees to initiate claims and establish one of the longest statute of limitations for employment discrimination claims in the nation.

Key Provisions

- Under S.1142/A.188, a new subdivision 10 would be added to CPLR § 213 listing “actions... based upon unlawful discriminatory practice in employment” as an action that must be commenced within six years.
- The extension would apply to all forms of discrimination, harassment, and retaliation claims under the statute, including those based on protected characteristics such as race, gender, age, disability, sexual orientation, and others.

Action Items for Employers

While it has yet to be seen if the bill will make it through the Legislature, if enacted, employees should consider:

- Reviewing and, if necessary, extending record retention policies to cover at least six years for personnel and disciplinary records.
- Ensuring harassment and discrimination prevention training is up to date and well-documented.
- Auditing internal complaint procedures to confirm they encourage prompt reporting and thorough investigation of workplace issues.
- Consulting with counsel about litigation hold and preservation practices in anticipation of longer exposure periods.
- Monitoring legislative developments and prepare to update employee handbooks and compliance materials if the law is enacted.

Key Takeaway

If adopted, S1142/A188 would mark a major expansion of employee rights and employer obligations under New York law. Employers should monitor legislative developments and be prepared to update policies if the law is enacted.