

# STATE OF NEW YORK

448--A

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. HOYLMAN-SIGAL, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FAHY, FERNANDEZ, GIANARIS, GONZALEZ, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MAYER, MYRIE, RAMOS, RIVERA, C. RYAN, S. RYAN, SALAZAR, SANDERS, SCARCELLA-SPANTON, SEPULVEDA, SERRANO, SKOUFIS, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to enacting the "Empowering People in Rights Enforcement (EMPIRE) Worker Protection 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 "Empowering People in Rights Enforcement (EMPIRE) Worker Protection  
3 Act".  
4 § 2. Legislative findings. 1. The legislature finds and declares that  
5 violations of the labor law are often systemic, affecting many workers.  
6 2. The legislature further finds and declares that despite the labor  
7 law's strong protections for workers, limits on the availability of  
8 public enforcement resources have deleterious effects on the marketplace  
9 by allowing abuses targeting workers to persist unprosecuted. To ensure  
10 the robust enforcement of the labor law, while minimizing the outlay of  
11 scarce state funds, this act allows private individuals, labor organiza-  
12 tions, and labor organizations deputized by the state to bring public  
13 enforcement actions in certain contexts in which the state does not have  
14 the means to fully enforce labor law protections.  
15 3. The legislature further finds and declares that the purpose of the  
16 EMPIRE Worker Protection Act is to create a means of empowering citizens  
17 as private attorneys general to enforce the New York labor law.  
18 4. The legislature further finds and declares that the purpose of the  
19 EMPIRE Worker Protection Act is to incentivize private parties to  
20 recover civil penalties for the government that otherwise may not have  
21 been assessed and collected by overburdened state enforcement agencies.

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

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1 When the New York labor law is effectively enforced, it protects the  
2 interests of all New Yorkers and the state of New York. Such public  
3 enforcement actions are an efficient mechanism to limit systemic  
4 violations, will enforce the rights of more workers, and can benefit the  
5 department of labor with enhanced resources.

6 5. The legislature further finds and declares that the purpose of the  
7 EMPIRE Worker Protection Act is to benefit those employers who are oper-  
8 ating within the labor law, and who, as a result, face unfair competi-  
9 tion from individuals and entities shirking the labor law.

10 6. The legislature further finds and declares that the purpose of the  
11 EMPIRE Worker Protection Act is to deter employers from stealing wages  
12 or committing other violations of the New York labor law and raise the  
13 cost of noncompliance with the New York labor law.

14 7. The legislature further finds and declares that the purpose of the  
15 EMPIRE Worker Protection Act is to incentivize labor organizations to  
16 aid working people to report violations of the New York labor law.

17 8. The legislature further finds and declares that the purpose of the  
18 EMPIRE Worker Protection Act is to facilitate whistleblowers suffering  
19 from violations of the New York labor law to report abuses without fear  
20 of retaliation and intimidation.

21 9. The legislature further finds and declares that the EMPIRE Worker  
22 Protection Act is part of a history both in New York state and in the  
23 United States of laws enabling private citizens to aid in public  
24 enforcement. In similar qui tam legislation enabling private citizens to  
25 aid in public enforcement, the resulting action is a public enforcement  
26 action.

27 § 3. The labor law is amended by adding a new article 37 to read as  
28 follows:

29 ARTICLE 37

30 EMPOWERING PEOPLE IN RIGHTS ENFORCEMENT (EMPIRE) WORKER PROTECTION ACT

31 Section 1150. Definitions.

32 1151. Public enforcement action.

33 1152. Procedure.

34 1153. Non-application.

35 § 1150. Definitions. Whenever used in this article:

36 1. "affected employee" means any employee as defined by section two of  
37 this chapter who was employed by the alleged violator employer and  
38 against whom one of the alleged violations was committed, or was alleged  
39 to have been committed, as well as any person who is not classified by a  
40 business as an employee but who claims to be an employee and whose  
41 claims against the purported employer relate to this alleged misclassi-  
42 fication, whether or not that person has received full or partial relief  
43 from harm.

44 2. "relator" means an affected employee, a whistleblower, a represen-  
45 tative organization, or an organizational deputy that acts as a plain-  
46 tiff in a public enforcement action under this chapter.

47 3. "whistleblower" means any current or former employee, contractor,  
48 subcontractor, or employee of a contractor or subcontractor of the  
49 defendant with knowledge of the alleged violations that is independent  
50 of and materially adds to any publicly disclosed information about the  
51 alleged violations. Whistleblowers are not also "affected employees" if  
52 they do not seek civil penalties for violations that personally affected  
53 them in a public enforcement action under this chapter.

54 4. "employer" means any employer as defined by section two of this  
55 chapter. The term "employer" shall not include a governmental agency.

1 5. "representative organization" means a labor organization as defined  
2 by subsection (g) of section four thousand four hundred two of the  
3 insurance law and which has been selected by an affected employee or  
4 whistleblower to initiate a public enforcement action on the affected  
5 employee's or whistleblower's behalf, in written notice in such a manner  
6 as the commissioner may prescribe by regulation. Where a representative  
7 organization is designated as the relator, the affected employee or  
8 whistleblower may elect to have their name and personal identifying  
9 information be kept confidential until the relator, in its sole  
10 discretion, deems sharing such information is necessary to establish,  
11 litigate, mediate, settle, or otherwise pursue the claim.

12 6. "public enforcement action" means an action brought under this  
13 article intended to enforce this chapter's protections enforceable by  
14 the commissioner. Nothing in this article shall be interpreted to  
15 permit a public enforcement action against a governmental agency.

16 7. "commissioner" shall, for the purposes of this article, include the  
17 commissioner, and any division, board, commission, or part of the  
18 department authorized to impose or seek penalties or other remedies for  
19 violations of this chapter.

20 8. "violation" means an employer's noncompliance with any of the  
21 requirements of the following articles of this chapter and with regu-  
22 lations and wage orders promulgated by the commissioner in implementing  
23 such articles:

24 a. article six except sections one hundred ninety, one hundred nine-  
25 ty-one-a, one hundred ninety-six, one hundred ninety-six-a, one hundred  
26 ninety-eight-a, one hundred ninety-nine, and one hundred ninety-nine-a;

27 b. article nineteen except sections six hundred fifty, six hundred  
28 fifty-one, six hundred fifty-three through six hundred sixty, six  
29 hundred sixty-two, and six hundred sixty-five;

30 c. sections one hundred sixty, one hundred sixty-one, one hundred  
31 sixty-two, one hundred sixty-three-a, one hundred sixty-seven, and one  
32 hundred seventy of article five;

33 d. article nineteen-A except sections six hundred seventy through six  
34 hundred seventy-two, six hundred seventy-four through six hundred seven-  
35 ty-eight, six hundred eighty, and six hundred eighty-three;

36 e. article nineteen-B except sections six hundred ninety, six hundred  
37 ninety-three, and six hundred ninety-four;

38 f. article nine except sections two hundred thirty, two hundred thir-  
39 ty-four through two hundred thirty-six, and two hundred thirty-eight;

40 g. article twenty-five-A except sections eight hundred sixty, eight  
41 hundred sixty-a, eight hundred sixty-c through eight hundred sixty-f,  
42 and eight hundred sixty-i;

43 h. article twenty-five-B except sections eight hundred sixty-one  
44 through eight hundred sixty-one-b;

45 i. article twenty-five-C except sections eight hundred sixty-two and  
46 eight hundred sixty-two-a;

47 j. article eight except sections two hundred twenty-e through two  
48 hundred twenty-four, two hundred twenty-four-b, and two hundred twenty-  
49 four-c;

50 k. article twenty-C;

51 l. sections two hundred, two hundred one-d, two hundred one-g, two  
52 hundred six-c, two hundred fifteen, and two hundred eighteen-b of arti-  
53 cle seven;

54 m. section twenty-seven-d of article two;

55 n. article thirty-six;

56 o. section twenty-seven-e;

1 p. article twenty-one-a; and  
2 q. any other worker protections that are added to this chapter after  
3 the effective date of this article, unless the enacting statute specif-  
4 ically excludes them from this definition.

5 9. "organizational deputy" means a labor organization as defined by  
6 subsection (g) of section four thousand four hundred two of the  
7 insurance law that has been appointed by the commissioner or the attor-  
8 ney general to represent the state as the relator in the public enforce-  
9 ment action. The commissioner or the attorney general shall have  
10 complete discretion to determine what labor organizations may serve as  
11 their organizational deputy in a public enforcement action.

12 § 1151. Public enforcement action. 1. A relator may initiate a public  
13 enforcement action to collect civil penalties on behalf of the commis-  
14 sioner for a violation impacting affected employees pursuant to the  
15 procedures specified in section one thousand fifty-two of this article.  
16 A relator may allege multiple violations that have affected different  
17 employees and may seek injunctive and declaratory relief that the state  
18 would be entitled to seek.

19 2. a. For purposes of this section, whenever the commissioner has  
20 discretion to assess a civil penalty, a court is authorized to exercise  
21 the same discretion to assess a civil penalty. To the extent that the  
22 commissioner is authorized to determine that an employer has violated a  
23 provision of this chapter or regulation promulgated thereunder, in a  
24 public enforcement action, a court shall be authorized to determine that  
25 an employer has committed such a violation.

26 b. For any violation defined in this article, except those for which a  
27 civil penalty is specifically provided, there is established a civil  
28 penalty of five hundred dollars for each affected employee per pay peri-  
29 od per violation. A court may not award a lesser amount, unless, based  
30 on the facts and circumstances of the particular case, the employer  
31 demonstrates that to do otherwise would result in an award that is  
32 unjust, arbitrary and oppressive, or confiscatory.

33 c. In any civil action commenced pursuant to this article, the court  
34 shall allow a prevailing relator to recover all reasonable attorneys'  
35 fees, expert fees and other costs. The court may also allow a prevail-  
36 ing relator to recover all reasonable ancillary costs associated with  
37 serving as a relator. For the purposes of this article, the term  
38 "prevailing" includes a relator whose commencement of litigation has  
39 acted as a catalyst to effect policy change on the part of the defend-  
40 ant, regardless of whether that change has been implemented voluntarily,  
41 as a result of a settlement or as a result of a judgment in such  
42 relator's favor.

43 d. Nothing in this section shall operate to limit an affected employ-  
44 ee's right to pursue or recover other remedies available under state or  
45 federal law, either separately or concurrently with an action taken  
46 under this section.

47 e. Nothing in this section shall operate to limit the commissioner's  
48 or the attorney general's right to seek restitution and damages, where  
49 available, for affected employees in conjunction with a public enforce-  
50 ment action in which it has intervened.

51 3. a. Civil penalties recovered in public enforcement actions shall  
52 be distributed as follows: where the commissioner or the attorney  
53 general has not intervened, or where the commissioner or the attorney  
54 general has appointed an organizational deputy to proceed as the rela-  
55 tor, forty percent to the relator; and sixty percent to the commissioner  
56 for enforcement of this chapter and education of employers and employees

1 about their rights and responsibilities under this chapter, to be  
2 continuously appropriated to supplement and not supplant the funding to  
3 the agency for those purposes; where the commissioner or the attorney  
4 general has intervened, thirty percent to the relator; and seventy  
5 percent to the commissioner for enforcement of this chapter and educa-  
6 tion of employers and employees about their rights and responsibilities  
7 under this chapter, to be continuously appropriated to supplement and  
8 not supplant the funding to the agency for those purposes.

9 b. The relator shall equitably distribute the share of penalties due  
10 the relator among affected employees. If the relator is an affected  
11 employee or whistleblower, they shall also be entitled to recover a  
12 service award from the penalties recovered, if they prevail in achieving  
13 relief, in whole or in part, for violations that affected other employ-  
14 ees. The service award shall be not less than five thousand dollars and  
15 not more than twenty thousand dollars, unless the amount recovered as  
16 civil penalties is less than twenty thousand dollars. The court shall  
17 determine the service award by taking due consideration of the burdens  
18 and risks assumed by the relator in prosecuting the action. If the rela-  
19 tor is a representative organization or an organizational deputy  
20 appointed by the commissioner or the attorney general, it shall distrib-  
21 ute all recovered penalties to affected employees but may recover  
22 reasonable attorneys' fees and costs incurred in prosecuting the action  
23 and ancillary costs associated with serving as a relator. The relator  
24 shall submit a distribution summary to the commissioner and the attorney  
25 general.

26 4. The right to bring a public enforcement action under this article  
27 shall not be subject to private agreements between an affected employee  
28 and an employer or alleged employer, unless such agreements are collec-  
29 tively bargained and the bargaining agreement provides a forum for the  
30 enforcement of rights and remedies otherwise enforceable under this  
31 article. The right to represent the state with respect to violations  
32 affecting other workers shall not be waivable by private agreement,  
33 unless such agreements are collectively bargained and the bargaining  
34 agreement provides a forum for the enforcement of rights and remedies  
35 otherwise enforceable under this article, including an award of penal-  
36 ties authorized by this article.

37 5. Notwithstanding any other provision of law, a public enforcement  
38 action to recover upon a penalty imposed by this article must be  
39 commenced within six years. The statute of limitations for bringing a  
40 public enforcement action under this article shall be tolled from the  
41 date a relator files a notice pursuant to section one thousand fifty-two  
42 of this article with the commissioner and the attorney general, or the  
43 commissioner or the attorney general commences an investigation, which-  
44 ever is earlier.

45 6. The commissioner shall establish a database of public enforcement  
46 notices submitted pursuant to this article, including the parties, the  
47 disposition and any other information which the commissioner shall by  
48 regulation prescribe and shall make such database available to the  
49 public online. The commissioner shall also publish an annual report of  
50 total penalties recovered under this chapter.

51 7. a. No employer or the employer's agent, employee, contractor,  
52 subcontractor or the officer or agent of any corporation, partnership,  
53 or limited liability company, or any other person shall discharge,  
54 demote, suspend, threaten, harass, or in any other manner discriminate  
55 against any person because of any lawful act done because:

1 (i) the relator or potential relator brought or is perceived to have  
2 brought a public enforcement action;

3 (ii) the relator or potential relator has provided information, caused  
4 information to be provided, or otherwise assisted in a public enforce-  
5 ment action or provided information, or caused information to be  
6 provided to a person with supervisory authority over the relator or  
7 potential relator regarding conduct that the relator or potential rela-  
8 tor reasonably believes constitutes a violation of this section; or

9 (iii) the person believes that the relator or potential relator may  
10 bring a public enforcement action or cooperate with one.

11 b. Any person affected by a violation of this subdivision, or any  
12 affected employee, whistleblower, representative organization, organiza-  
13 tional deputy, or the commissioner, or the attorney general may bring a  
14 public enforcement action for all appropriate relief, including enjoin-  
15 ing the conduct of any person or employer; ordering payment of civil  
16 penalties as provided by section two hundred fifteen of this chapter,  
17 costs and reasonable attorneys' fees to the employee by the person or  
18 entity in violation; and, where the person or entity in violation is an  
19 employer, ordering rehiring or reinstatement of the employee to the  
20 employee's former position with restoration of seniority. Any person  
21 affected by a violation of this subdivision may also bring a civil  
22 action in a court of competent jurisdiction against any employer or  
23 persons alleged to have violated the provisions of this subdivision  
24 pursuant to subdivision two of section two hundred fifteen of this chap-  
25 ter.

26 c. There shall be a rebuttable presumption that any adverse actions  
27 taken against a relator within one hundred eighty days after the relator  
28 has filed an action under this chapter is retaliatory. Nothing in this  
29 subdivision shall be interpreted to prohibit an inference of retaliatory  
30 motive after one hundred eighty days after the relator has filed an  
31 action under this chapter.

32 § 1152. Procedure. 1. No public enforcement action by a relator pursu-  
33 ant to section one thousand fifty-one of this article may be commenced:

34 a. prior to sixty days after written notice has been given by the  
35 relator to the commissioner and to the attorney general. The relator  
36 shall submit a filing fee of seventy-five dollars to the commissioner,  
37 and the time periods in this section shall begin when notice and filing  
38 fee have been submitted. The fees required by this paragraph are subject  
39 to waiver in accordance with rules promulgated by the commissioner. The  
40 written notice shall be given in such a manner as the commissioner may  
41 prescribe by regulation, shall be construed in a light favorable to the  
42 relator, and shall include:

43 (i) the name, address and contact information of the employer.

44 (ii) the name, address, and contact information of the affected  
45 employee or whistleblower.

46 (iii) if the action is brought by a representative organization, the  
47 name, address and contact information of the representative organiza-  
48 tion, its qualification as a representative organization as defined in  
49 this chapter, and the form on which the whistleblower or affected  
50 employee has designated the representative organization.

51 (iv) if the action is brought by an affected employee or whistleblow-  
52 er, the name, address, and contact information of any labor organization  
53 that has assisted with the filing of the written notice, and who would  
54 be available to serve as an organizational deputy should they be so  
55 appointed by the commissioner or the attorney general.

1 (v) the name, address and contact information of the relator's legal  
2 counsel, should one exist.

3 (vi) a statement of the underlying claim.

4 (vii) if the relator is a "whistleblower", the relator's knowledge of  
5 the alleged violations that is independent of and materially adds to  
6 publicly disclosed information.

7 (viii) after searching the database established pursuant to subdivi-  
8 sion six of section one thousand fifty-one of this article for notices  
9 alleging the same facts and legal theories, a summary of such notices or  
10 statement that no such notices exist, provided that a notice filed by a  
11 pro se litigant may not be rejected for failure to conduct such a  
12 search.

13 b. if the commissioner or the attorney general, at any time prior to  
14 the end of the sixty-day notice period prescribed in paragraph a of this  
15 subdivision or prior to commencement of such action, whichever is later,  
16 and upon written notice to the relator who provided the notice  
17 prescribed in paragraph a of this subdivision, has commenced and is  
18 actively prosecuting an administrative enforcement proceeding pursuant  
19 to this chapter relative to the alleged violation.

20 c. if the commissioner or the attorney general, on the same facts and  
21 theories, cites a person within the timeframes set forth in this section  
22 for a violation of the same section or sections of this chapter under  
23 which the relator is attempting to recover a civil penalty or remedy on  
24 behalf of the relator or others.

25 d. if the violation is of a posting or agency reporting requirement or  
26 agency filing requirement, except where the filing or reporting require-  
27 ment involves mandatory payroll or injury reporting.

28 e. if the violation is for minor variations in the legal name or  
29 address of the employer in a wage statement or wage notice required  
30 under article six of this chapter, provided that the variations do not  
31 impair a worker's ability to promptly and easily identify the employer.

32 2. The commissioner or the attorney general may, after receiving the  
33 notice, appoint an organizational deputy for the commissioner or the  
34 attorney general (based on who makes the appointment) to serve as the  
35 relator, instead of the person who filed the notice. That organizational  
36 deputy may then proceed with the public enforcement action on behalf of  
37 the state. If the commissioner or the attorney general has appointed an  
38 organizational deputy as the relator, that organizational deputy shall  
39 serve as the relator in accordance with all the other procedures  
40 outlined in this article. The decision to appoint an organizational  
41 deputy shall not be construed as the commissioner's or the attorney  
42 general's direct intervening in the public enforcement action.

43 3. The commissioner or the attorney general may intervene in the  
44 public enforcement action and proceed with any and all claims in the  
45 action:

46 a. as of right within the sixty-day notice period prescribed in para-  
47 graph a of subdivision one of this section;

48 b. for good cause, as determined by the court, after the expiration of  
49 the sixty-day notice period prescribed in paragraph a of subdivision one  
50 of this section; or

51 c. if a previous relator becomes unavailable to continue the public  
52 enforcement action, by appointing an organizational deputy for the  
53 commissioner or the attorney general (based on who makes the appoint-  
54 ment) to proceed with the public enforcement action on behalf of the  
55 state. If the commissioner or the attorney general has so appointed an  
56 organizational deputy, the organizational deputy shall serve as the

1 relator in accordance with all the other procedures outlined in this  
2 article. The decision to appoint an organizational deputy shall not be  
3 construed as the commissioner or the attorney general directly interven-  
4 ing in the public enforcement action.

5 4. If the commissioner or the attorney general intervenes in an  
6 action, the commissioner may take primary responsibility for litigating  
7 the action and shall not be bound by an act of the relator bringing the  
8 action. In such cases, the relator shall remain a party to the action.  
9 The commissioner or the attorney general may also intervene in the  
10 action for the limited purpose of filing a statement of interest or  
11 otherwise advancing the state's view about legal issues at stake in the  
12 action. If the commissioner or the attorney general has intervened for  
13 the purpose of taking primary responsibility for litigating the action,  
14 the commissioner or attorney general may dismiss or settle the action  
15 after the relator has been notified of the filing of the motion and has  
16 been provided with an opportunity to be heard, and the court determines  
17 that such dismissal or settlement is fair, adequate, reasonable, and in  
18 the public interest.

19 5. Either the commissioner, the attorney general, or a federal or  
20 state court of competent jurisdiction shall review and approve any  
21 settlement of any civil action filed pursuant to this article or of any  
22 claim for which a relator has provided notice pursuant to this section.  
23 The commissioner, the attorney general, or the court shall approve the  
24 settlement if it is fair, reasonable and adequate, in light of the stat-  
25 utory purpose of the provision of this chapter alleged to have been  
26 violated and the purpose of this article.

27 6. a. The relator shall, within ten days following commencement of a  
28 civil action pursuant to this article, provide the commissioner and the  
29 attorney general with a file-stamped copy of the complaint that includes  
30 the case number assigned by the court.

31 b. If the commissioner or the attorney general so requests, the  
32 commissioner or the attorney general shall be served with copies of  
33 pleadings filed in the action and shall be supplied with copies of all  
34 deposition transcripts. The commissioner or the attorney general shall  
35 bear any costs associated with service of such pleadings and depositions  
36 if there are such costs.

37 c. A copy of the court's judgment in any civil action filed pursuant  
38 to this article and any other order in that action that either provides  
39 for or denies an award of civil penalties under this article shall be  
40 submitted to the commissioner and the attorney general within ten days  
41 after entry of the judgment or order.

42 d. Items required to be submitted to the commissioner under this  
43 subdivision shall be transmitted in such a manner as the commissioner  
44 shall prescribe for the filing of notices under paragraph a of subdivi-  
45 sion one of this section.

46 7. Such regulations prescribed pursuant to paragraph a of subdivision  
47 one of this section shall provide for the right of the relator to  
48 furnish an amended notice, after the notice by the commissioner to the  
49 relator that the original notice was not in compliance with this section  
50 or the regulations issued thereunder and specifying with particularity  
51 what the deficiencies were in the original notice. Such notice and  
52 opportunity to amend shall be provided by the commissioner within sixty  
53 days of the original notice or the original notice shall be deemed in  
54 compliance with this section. The relator shall have thirty days from  
55 receiving notice from the commissioner that their original notice was  
56 not in compliance with this section to amend the notice.

1 8. A public enforcement action shall be tried promptly, without regard  
2 to concurrent adjudication of private claims, including without regard  
3 to concurrent adjudication of claims for violations personally affecting  
4 the relator.

5 9. No public enforcement action brought pursuant to this article shall  
6 be required to meet the requirements of Rule 23(a) of the Federal Rules  
7 of Civil Procedure or article nine of the civil practice law and rules.

8 10. The rules governing pretrial discovery in a public enforcement  
9 action brought pursuant to this article shall be the same as those  
10 applicable to other civil actions. No special showing of merit or other  
11 additional requirement shall be imposed on a relator's discovery rights  
12 in such an action.

13 11. A relator bringing an action pursuant to this article shall be  
14 entitled to discovery regarding the alleged violations as to all  
15 affected employees as defined in this article.

16 12. When related public enforcement actions are pending, the parties  
17 shall immediately notify the courts overseeing such actions of the over-  
18 lap and submit a joint statement describing the overlap, which may  
19 propose a process to ensure the just, speedy, and efficient determi-  
20 nation of the actions. The court may appoint lead enforcement counsel  
21 with sole responsibility for asserting the related claims, with consid-  
22 eration of the following factors:

23 a. the work that counsel has done in investigating the claims;

24 b. counsel's experience litigating labor law and past performance in  
25 similar cases;

26 c. counsel's diligence in advancing the case;

27 d. the resources that counsel has committed and will commit to prose-  
28 cuting the case, and the relative resources at counsel's disposal; and

29 e. the length of time each action has been pending.

30 § 1153. Non-application. 1. This article shall not apply to the recov-  
31 ery of administrative and civil penalties in connection with the unem-  
32 ployment insurance law as contained in article eighteen of this chapter.

33 2. This article shall not apply to the recovery of administrative and  
34 civil penalties in connection with the New York state labor relations  
35 act as contained in article twenty of this chapter.

36 3. Severability. If any word, phrase, clause, sentence, paragraph,  
37 subdivision, section or part of this article or the application thereof  
38 to any person or circumstances shall be adjudged invalid by a court of  
39 competent jurisdiction, such order or judgment shall be confined in its  
40 operation to the controversy in which it was rendered, and shall not  
41 affect or invalidate the remainder of this article, but shall be  
42 confined in its operation to the word, phrase, clause, sentence, para-  
43 graph, subdivision, section or part thereof directly involved in the  
44 controversy in which such judgment shall have been rendered.

45 4. This article shall be construed in light of its remedial purposes  
46 to expand the enforcement of this chapter.

47 § 4. This act shall take effect immediately, and shall permit relators  
48 to bring actions concerning New York Labor Law violations that occurred  
49 within the six years prior to this act's effective date, unless the  
50 Labor Law provides a shorter statute of limitations with respect to the  
51 specific violation in question, in which case that shorter statute of  
52 limitations shall apply.