

STATE OF NEW YORK

448--C

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sens. HOYLMAN-SIGAL, BASKIN, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FAHY, FERNANDEZ, GIANARIS, GONZALEZ, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MAYER, MYRIE, PARKER, 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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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.

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

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1 3. The legislature further finds and declares that the purpose of the
2 EMPIRE Worker Protection Act is to create a means of empowering citizens
3 as private attorneys general to enforce the New York labor law.

4 4. The legislature further finds and declares that the purpose of the
5 EMPIRE Worker Protection Act is to incentivize private parties to
6 recover civil penalties for the government that otherwise may not have
7 been assessed and collected by overburdened state enforcement agencies.
8 When the New York labor law is effectively enforced, it protects the
9 interests of all New Yorkers and the state of New York. Such public
10 enforcement actions are an efficient mechanism to limit systemic
11 violations, will enforce the rights of more workers, and can benefit the
12 department of labor with enhanced resources.

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

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

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

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

28 9. The legislature further finds and declares that the EMPIRE Worker
29 Protection Act is part of a history both in New York state and in the
30 United States of laws enabling private citizens to aid in public
31 enforcement. In similar qui tam legislation enabling private citizens to
32 aid in public enforcement, the resulting action is a public enforcement
33 action.

34 § 3. The labor law is amended by adding a new article 38 to read as
35 follows:

36 ARTICLE 38

37 EMPOWERING PEOPLE IN RIGHTS ENFORCEMENT (EMPIRE) WORKER PROTECTION ACT
38 Section 1150. Definitions.

39 1151. Public enforcement action.

40 1152. Procedure.

41 1153. Non-application.

42 § 1150. Definitions. Whenever used in this article:

43 1. "affected employee" means:

44 a. any employee as defined by section two of this chapter who was
45 employed by the alleged violator employer and against whom one of the
46 alleged violations was committed, or was alleged to have been committed,
47 as well as any person who is not classified by a business as an employee
48 but who claims to be an employee and whose claims against the purported
49 employer relate to this alleged misclassification; or

50 b. any model as defined in section one thousand thirty-one of this
51 chapter who was engaged by the alleged violator model management compa-
52 ny, model management group, or client and against whom one of the
53 alleged violations was committed, or was alleged to have been committed.
54 An affected employee may maintain an action under this article whether
55 or not that person has received full or partial relief from harm.

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

4 3. "whistleblower" means any current or former employee, contractor,
5 subcontractor, or employee of a contractor or subcontractor of the
6 defendant with knowledge of the alleged violations that is independent
7 of and materially adds to any publicly disclosed information about the
8 alleged violations. Whistleblowers are not also "affected employees" if
9 they do not seek civil penalties for violations that personally affected
10 them in a public enforcement action under this chapter.

11 4. "employer" means:

12 a. any employer as defined by section two of this chapter; or

13 b. any model management company, model management group, or client as
14 defined by section one thousand thirty-one of this chapter. The term
15 "employer" shall not include a governmental agency.

16 5. "representative organization" means a labor organization which
17 exists and is constituted for the purpose, in whole or in part, of
18 collective bargaining or of dealing with employers concerning griev-
19 ances, terms or conditions of employment, is not a "company union" as
20 defined by subdivision six of section seven hundred one of this chapter,
21 and which has been selected by an affected employee or whistleblower to
22 initiate a public enforcement action on the affected employee's or
23 whistleblower's behalf, in written notice in such a manner as the
24 commissioner may prescribe by regulation. Where a representative organ-
25 ization is designated as the relator, the affected employee or whistle-
26 blower may elect to have their name and personal identifying information
27 be kept confidential until the relator, in its sole discretion, deems
28 sharing such information is necessary to establish, litigate, mediate,
29 settle, or otherwise pursue the claim.

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

34 7. "commissioner" shall, for the purposes of this article, include the
35 commissioner, and any division, board, commission, or part of the
36 department authorized to impose or seek penalties or other remedies for
37 violations of this chapter.

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

42 a. article six except sections one hundred ninety, one hundred nine-
43 ty-one-a, one hundred ninety-six, one hundred ninety-six-a, one hundred
44 ninety-eight-a, one hundred ninety-nine, and one hundred ninety-nine-a;

45 b. article nineteen except sections six hundred fifty, six hundred
46 fifty-one, six hundred fifty-three through six hundred sixty, six
47 hundred sixty-two, and six hundred sixty-five;

48 c. sections one hundred sixty, one hundred sixty-one, one hundred
49 sixty-two, one hundred sixty-three-a, one hundred sixty-seven, and one
50 hundred seventy of article five;

51 d. article nineteen-A except sections six hundred seventy through six
52 hundred seventy-two, six hundred seventy-four through six hundred seven-
53 ty-eight, six hundred eighty, and six hundred eighty-three;

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

1 f. article nine except sections two hundred thirty, two hundred thirty-
2 ty-four through two hundred thirty-six, and two hundred thirty-eight;

3 g. article twenty-five-A except sections eight hundred sixty, eight
4 hundred sixty-a, eight hundred sixty-c through eight hundred sixty-f,
5 and eight hundred sixty-i;

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

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

10 j. article eight except sections two hundred twenty-e through two
11 hundred twenty-four, two hundred twenty-four-b, and two hundred twenty-
12 four-c;

13 k. article twenty-C;

14 l. sections two hundred, two hundred one-d, two hundred one-g, two
15 hundred six-c, two hundred fifteen, and two hundred eighteen-b of arti-
16 cle seven;

17 m. section twenty-seven-d and section twenty-seven-e of article two;

18 n. article thirty-six;

19 o. article twenty-one-a;

20 p. this article; and

21 q. any other worker protections that are added to this chapter after
22 the effective date of this article, unless the enacting statute specif-
23 ically excludes them from this definition.

24 9. "organizational deputy" means a labor organization which exists and
25 is constituted for the purpose, in whole or in part, of collective
26 bargaining or of dealing with employers concerning grievances, terms or
27 conditions of employment, and is not a "company union" as defined by
28 subdivision six of section seven hundred one of this chapter, that has
29 been appointed by the commissioner or the attorney general to represent
30 the state as the relator in the public enforcement action. The commis-
31 sioner or the attorney general shall have complete discretion to deter-
32 mine what labor organizations may serve as their organizational deputy
33 in a public enforcement action.

34 § 1151. Public enforcement action. 1. A relator may initiate a public
35 enforcement action to collect civil penalties on behalf of the commis-
36 sioner for a violation impacting affected employees pursuant to the
37 procedures specified in section one thousand fifty-two of this article.
38 A relator may allege multiple violations that have affected different
39 employees and may seek injunctive and declaratory relief that the state
40 would be entitled to seek.

41 2. a. For purposes of this section, whenever the commissioner has
42 discretion to assess a civil penalty, a court is authorized to exercise
43 the same discretion to assess a civil penalty. To the extent that the
44 commissioner is authorized to determine that an employer has violated a
45 provision of this chapter or regulation promulgated thereunder, in a
46 public enforcement action, a court shall be authorized to determine that
47 an employer has committed such a violation.

48 b. For any violation defined in this article, except those for which a
49 civil penalty is specifically provided, there is established a civil
50 penalty of five hundred dollars for each affected employee per pay peri-
51 od per violation. That civil penalty will increase beginning on January
52 first, two thousand twenty-seven at the same rate that the minimum wages
53 increase each year as specified in paragraph (b) of section six hundred
54 fifty-two of this chapter or any successor method by which minimum wage
55 rates are to be adjusted. The civil penalty rate shall be published
56 annually by the commissioner. A court may not award a lesser amount,

1 unless, based on the facts and circumstances of the particular case, the
2 employer demonstrates that to do otherwise would result in an award that
3 is unjust, arbitrary and oppressive, or confiscatory.

4 c. In any civil action commenced pursuant to this article, the court
5 shall allow a prevailing relator to recover all reasonable attorneys'
6 fees, expert fees and other costs. The court may also allow a prevail-
7 ing relator to recover all reasonable ancillary costs associated with
8 serving as a relator. For the purposes of this article, the term
9 "prevailing" includes a relator whose commencement of litigation has
10 acted as a catalyst to effect policy change on the part of the defend-
11 ant, regardless of whether that change has been implemented voluntarily,
12 as a result of a settlement or as a result of a judgment in such
13 relator's favor.

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

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

22 3. a. Civil penalties recovered in public enforcement actions shall
23 be distributed as follows: where the commissioner or the attorney
24 general has not intervened, or where the commissioner or the attorney
25 general has appointed an organizational deputy to proceed as the rela-
26 tor, forty percent to the relator; and sixty percent to the commissioner
27 for enforcement of this chapter and education of employers and employees
28 about their rights and responsibilities under this chapter, to be
29 continuously appropriated to supplement and not supplant the funding to
30 the agency for those purposes; where the commissioner or the attorney
31 general has intervened, thirty percent to the relator; and seventy
32 percent to the commissioner for enforcement of this chapter and educa-
33 tion of employers and employees about their rights and responsibilities
34 under this chapter, to be continuously appropriated to supplement and
35 not supplant the funding to the agency for those purposes.

36 b. The relator shall equitably distribute the share of penalties due
37 the relator among affected employees. If the relator is an affected
38 employee or whistleblower, they shall also be entitled to recover a
39 service award from the penalties recovered, if they prevail in achieving
40 relief, in whole or in part, for violations that affected other employ-
41 ees. The service award shall be not less than five thousand dollars and
42 not more than twenty thousand dollars, unless the amount recovered as
43 civil penalties is less than twenty thousand dollars. The court shall
44 determine the service award by taking due consideration of the burdens
45 and risks assumed by the relator in prosecuting the action. If the rela-
46 tor is a representative organization or an organizational deputy
47 appointed by the commissioner or the attorney general, it shall distrib-
48 ute all recovered penalties to affected employees but may recover
49 reasonable attorneys' fees and costs incurred in prosecuting the action
50 and ancillary costs associated with serving as a relator. The relator
51 shall submit a distribution summary to the commissioner and the attorney
52 general.

53 4. The right to bring a public enforcement action under this article
54 shall not be subject to private agreements between an affected employee
55 and an employer or alleged employer, unless such agreements are collec-
56 tively bargained and the bargaining agreement provides a forum for the

1 enforcement of rights and remedies otherwise enforceable under this
2 article. The right to represent the state with respect to violations
3 affecting other workers shall not be waivable by private agreement,
4 unless such agreements are collectively bargained and the bargaining
5 agreement provides a forum for the enforcement of rights and remedies
6 otherwise enforceable under this article, including an award of penal-
7 ties authorized by this article.

8 5. Notwithstanding any other provision of law, a public enforcement
9 action to recover upon a penalty imposed by this article must be
10 commenced within six years. The statute of limitations for bringing a
11 public enforcement action under this article shall be tolled from the
12 date a relator files a notice pursuant to section one thousand fifty-two
13 of this article with the commissioner and the attorney general, or the
14 commissioner or the attorney general commences an investigation, which-
15 ever is earlier.

16 6. The commissioner shall establish a database of public enforcement
17 notices submitted pursuant to this article, including the parties, the
18 disposition and any other information which the commissioner shall by
19 regulation prescribe and shall make such database available to the
20 public online. The commissioner shall also publish an annual report of
21 total penalties recovered under this chapter.

22 7. a. No employer or the employer's agent, employee, contractor,
23 subcontractor or the officer or agent of any corporation, partnership,
24 or limited liability company, or any other person shall discharge,
25 demote, suspend, threaten, harass, or in any other manner discriminate
26 against any person because of any lawful act done because:

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

29 (ii) the relator or potential relator has provided information, caused
30 information to be provided, or otherwise assisted in a public enforce-
31 ment action or provided information, or caused information to be
32 provided to a person with supervisory authority over the relator or
33 potential relator regarding conduct that the relator or potential rela-
34 tor reasonably believes constitutes a violation of this section; or

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

37 b. Any person affected by a violation of this subdivision, or any
38 affected employee, whistleblower, representative organization, organiza-
39 tional deputy, or the commissioner, or the attorney general may bring a
40 public enforcement action for all appropriate relief, including enjoin-
41 ing the conduct of any person or employer; ordering payment of civil
42 penalties as provided by section two hundred fifteen of this chapter,
43 costs and reasonable attorneys' fees to the employee by the person or
44 entity in violation; and, where the person or entity in violation is an
45 employer, ordering rehiring or reinstatement of the employee to the
46 employee's former position with restoration of seniority. Any person
47 affected by a violation of this subdivision may also bring a civil
48 action in a court of competent jurisdiction against any employer or
49 persons alleged to have violated the provisions of this subdivision
50 pursuant to subdivision two of section two hundred fifteen of this chap-
51 ter.

52 c. There shall be a rebuttable presumption that any adverse actions
53 taken against a relator within one hundred eighty days after the relator
54 has filed an action under this chapter is retaliatory. Nothing in this
55 subdivision shall be interpreted to prohibit an inference of retaliatory

1 motive after one hundred eighty days after the relator has filed an
2 action under this chapter.

3 § 1152. Procedure. 1. No public enforcement action by a relator pursu-
4 ant to section one thousand fifty-one of this article may be commenced:

5 a. prior to sixty days after written notice has been given by the
6 relator to the commissioner and to the attorney general. The relator
7 shall submit a filing fee of seventy-five dollars to the commissioner,
8 and the time periods in this section shall begin when notice and filing
9 fee have been submitted. The fees required by this paragraph are subject
10 to waiver in accordance with rules promulgated by the commissioner. The
11 written notice shall be given in such a manner as the commissioner may
12 prescribe by regulation, shall be construed in a light favorable to the
13 relator, and shall include:

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

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

17 (iii) if the action is brought by a representative organization, the
18 name, address and contact information of the representative organiza-
19 tion, its qualification as a representative organization as defined in
20 this chapter, and the form on which the whistleblower or affected
21 employee has designated the representative organization.

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

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

29 (vi) a statement of the underlying claim.

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

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

39 b. if the commissioner or the attorney general, at any time prior to
40 the end of the sixty-day notice period prescribed in paragraph a of this
41 subdivision or prior to commencement of such action, whichever is later,
42 and upon written notice to the relator who provided the notice
43 prescribed in paragraph a of this subdivision, has commenced and is
44 actively prosecuting an administrative enforcement proceeding pursuant
45 to this chapter relative to the alleged violation.

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

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

54 e. if the violation is for minor variations in the legal name or
55 address of the employer in a wage statement or wage notice required

1 under article six of this chapter, provided that the variations do not
2 impair a worker's ability to promptly and easily identify the employer.

3 2. The commissioner or the attorney general may, after receiving the
4 notice, appoint an organizational deputy for the commissioner or the
5 attorney general (based on who makes the appointment) to serve as the
6 relator, instead of the person who filed the notice. That organizational
7 deputy may then proceed with the public enforcement action on behalf of
8 the state. If the commissioner or the attorney general has appointed an
9 organizational deputy as the relator, that organizational deputy shall
10 serve as the relator in accordance with all the other procedures
11 outlined in this article. The decision to appoint an organizational
12 deputy shall not be construed as the commissioner's or the attorney
13 general's direct intervening in the public enforcement action.

14 3. The commissioner or the attorney general may intervene in the
15 public enforcement action and proceed with any and all claims in the
16 action:

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

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

22 c. if a previous relator becomes unavailable to continue the public
23 enforcement action, by appointing an organizational deputy for the
24 commissioner or the attorney general (based on who makes the appoint-
25 ment) to proceed with the public enforcement action on behalf of the
26 state. If the commissioner or the attorney general has so appointed an
27 organizational deputy, the organizational deputy shall serve as the
28 relator in accordance with all the other procedures outlined in this
29 article. The decision to appoint an organizational deputy shall not be
30 construed as the commissioner or the attorney general directly interven-
31 ing in the public enforcement action.

32 4. If the commissioner or the attorney general intervenes in an
33 action, the commissioner may take primary responsibility for litigating
34 the action and shall not be bound by an act of the relator bringing the
35 action. In such cases, the relator shall remain a party to the action.
36 The commissioner or the attorney general may also intervene in the
37 action for the limited purpose of filing a statement of interest or
38 otherwise advancing the state's view about legal issues at stake in the
39 action. If the commissioner or the attorney general has intervened for
40 the purpose of taking primary responsibility for litigating the action,
41 the commissioner or attorney general may dismiss or settle the action
42 after the relator has been notified of the filing of the motion and has
43 been provided with an opportunity to be heard, and the court determines
44 that such dismissal or settlement is fair, adequate, reasonable, and in
45 the public interest.

46 5. Either the commissioner, the attorney general, or a federal or
47 state court of competent jurisdiction shall review and approve any
48 settlement of any civil action filed pursuant to this article or of any
49 claim for which a relator has provided notice pursuant to this section.
50 The commissioner, the attorney general, or the court shall approve the
51 settlement if it is fair, reasonable and adequate, in light of the stat-
52 utory purpose of the provision of this chapter alleged to have been
53 violated and the purpose of this article.

54 6. a. The relator shall, within ten days following commencement of a
55 civil action pursuant to this article, provide the commissioner and the

1 attorney general with a file-stamped copy of the complaint that includes
2 the case number assigned by the court.

3 b. If the commissioner or the attorney general so requests, the
4 commissioner or the attorney general shall be served with copies of
5 pleadings filed in the action and shall be supplied with copies of all
6 deposition transcripts. The commissioner or the attorney general shall
7 bear any costs associated with service of such pleadings and depositions
8 if there are such costs.

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

14 d. Items required to be submitted to the commissioner under this
15 subdivision shall be transmitted in such a manner as the commissioner
16 shall prescribe for the filing of notices under paragraph a of subdivi-
17 sion one of this section.

18 7. Such regulations prescribed pursuant to paragraph a of subdivision
19 one of this section shall provide for the right of the relator to
20 furnish an amended notice, after the notice by the commissioner to the
21 relator that the original notice was not in compliance with this section
22 or the regulations issued thereunder and specifying with particularity
23 what the deficiencies were in the original notice. Such notice and
24 opportunity to amend shall be provided by the commissioner within sixty
25 days of the original notice or the original notice shall be deemed in
26 compliance with this section. The relator shall have thirty days from
27 receiving notice from the commissioner that their original notice was
28 not in compliance with this section to amend the notice.

29 8. A public enforcement action shall be tried promptly, without regard
30 to concurrent adjudication of private claims, including without regard
31 to concurrent adjudication of claims for violations personally affecting
32 the relator.

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

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

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

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

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

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

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

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

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

2 § 1153. Non-application. 1. This article shall not apply to the recov-
3 ery of administrative and civil penalties in connection with the unem-
4 ployment insurance law as contained in article eighteen of this chapter.

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

8 3. Severability. If any word, phrase, clause, sentence, paragraph,
9 subdivision, section or part of this article or the application thereof
10 to any person or circumstances shall be adjudged invalid by a court of
11 competent jurisdiction, such order or judgment shall be confined in its
12 operation to the controversy in which it was rendered, and shall not
13 affect or invalidate the remainder of this article, but shall be
14 confined in its operation to the word, phrase, clause, sentence, para-
15 graph, subdivision, section or part thereof directly involved in the
16 controversy in which such judgment shall have been rendered.

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

19 § 4. This act shall take effect immediately, and shall permit relators
20 to bring actions concerning New York labor law violations that occurred
21 within the six years prior to this act's effective date, unless the
22 labor law provides a shorter statute of limitations with respect to the
23 specific violation in question, in which case that shorter statute of
24 limitations shall apply.