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STATE OF NEW YORK

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2025-2026 Regular Sessions

IN ASSEMBLY

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Introduced by M. of A. SIMON, ALVAREZ, REYES,
SHRESTHA, MAMDANI, KIM,
DINOWITZ, GALLAGHER, ROSENTHAL, TAYLOR,
CRUZ, BORES, FORREST,
R. CARROLL, CUNNINGHAM, BURDICK, DAVILA,
JACOBSON, BRONSON, TAPIA,
RAGA, KELLES, LUCAS, LEVENBERG, EACHUS, GLICK,
WEPRIN, COLTON, MEEKS,
LUNSFORD, RAMOS, SANTABARBARA, GIBBS, CONRAD,
SEPTIMO, RIVERA, SAYEGH,
BICHOTTE HERMELYN, BURKE, STECK, WALKER,
COOK, DeSTEFANO, LAVINE,
ROZIC, HEVESI, GONZALEZ-ROJAS, RAJKUMAR,
MITAYNES, ZINERMAN, LEE,
SIMONE, PAULIN, OTIS, SHIMSKY, CLARK,
McMAHON, SOLAGES, VALDEZ,
STIRPE, P. CARROLL, WRIGHT, SEAWRIGHT, BENEDETTO,
LASHER, SCHIAVONI,
DE LOS SANTOS, HOOKS -- read once and
referred to the Committee on
Labor -- committee discharged, bill amended,
ordered reprinted as
amended and recommitted to said committee --
again reported from said

committee with amendments, ordered reprinted as amended and recommit-
ted 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

EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets

[-] is old law to be omitted.

1 enforcement actions in certain contexts in which
the state does not have

2 the means to fully enforce labor law protections.

3 3. The legislature further finds and declares
that the purpose of the

4 EMPIRE Worker Protection Act is to create a means
of empowering citizens

5 as private attorneys general to enforce the New
York labor law.

6 4. The legislature further finds and declares
that the purpose of the

7 EMPIRE Worker Protection Act is to
incentivize private parties to

8 recover civil penalties for the government that
otherwise may not have

9 been assessed and collected by overburdened state
enforcement agencies.

10 When the New York labor law is effectively
enforced, it protects the

11 interests of all New Yorkers and the state of
New York. Such public

12 enforcement actions are an efficient mechanism
to limit systemic

13 violations, will enforce the rights of more
workers, and can benefit the

14 department of labor with enhanced resources.

15 5. The legislature further finds and declares
that the purpose of the

16 EMPIRE Worker Protection Act is to benefit those
employers who are oper-

17 ating within the labor law, and who, as a result,
face unfair competi-

18 tion from individuals and entities shirking the
labor law.

19 6. The legislature further finds and declares
that the purpose of the

20 EMPIRE Worker Protection Act is to deter employers
from stealing wages

21 or committing other violations of the New York
labor law and raise the

22 cost of noncompliance with the New York labor law.

23 7. The legislature further finds and declares
that the purpose of the

24 EMPIRE Worker Protection Act is to incentivize
labor organizations to
25 aid working people to report violations of the New
York labor law.

26 8. The legislature further finds and declares
that the purpose of the

27 EMPIRE Worker Protection Act is to facilitate
whistleblowers suffering
28 from violations of the New York labor law to report
abuses without fear
29 of retaliation and intimidation.

30 9. The legislature further finds and declares
that the EMPIRE Worker

31 Protection Act is part of a history both in New
York state and in the

32 United States of laws enabling private
citizens to aid in public

33 enforcement. In similar qui tam legislation
enabling private citizens to

34 aid in public enforcement, the resulting action is
a public enforcement
35 action.

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

38 ARTICLE 38
39 EMPOWERING PEOPLE IN RIGHTS ENFORCEMENT (EMPIRE)
WORKER PROTECTION ACT

40 Section 1150. Definitions.

41 1151. Public enforcement action.

42 1152. Procedure.

43 1153. Non-application.

44 § 1150. Definitions. Whenever used in this
article:

45 1. "affected employee" means:

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

50 but who claims to be an employee and whose claims
51 against the purported
52 employer relate to this alleged misclassification;
53 or

54 b. any model as defined in section one
55 thousand thirty-one of this
56 chapter who was engaged by the alleged violator
57 model management compa-
58 ny, model management group, or client and
59 against whom one of the
60 alleged violations was committed, or was alleged to
61 have been committed.

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1 An affected employee may maintain an action under
2 this article whether
3 or not that person has received full or partial
4 relief from harm.

5 2. "relator" means an affected employee, a
6 whistleblower, a represen-
7 tative organization, or an organizational deputy
8 that acts as a plain-
9 tiff in a public enforcement action under this
10 chapter.

11 3. "whistleblower" means any current or former
12 employee, contractor,
13 subcontractor, or employee of a contractor or
14 subcontractor of the
15 defendant with knowledge of the alleged
16 violations that is independent
17 of and materially adds to any publicly disclosed
18 information about the
19 alleged violations. Whistleblowers are not also
20 "affected employees" if
21 they do not seek civil penalties for violations
22 that personally affected
23 them in a public enforcement action under this
24 chapter.

25 4. "employer" means:
26 a. any employer as defined by section two of this
27 chapter; or
28 b. any model management company, model management
29 group, or client as

16 defined by section one thousand thirty-one of
17 this chapter. The term
18 "employer" shall not include a governmental agency.
19 5. "representative organization" means a labor
20 organization which
21 exists and is constituted for the purpose, in
22 whole or in part, of
23 collective bargaining or of dealing with
24 employers concerning griev-
25 ances, terms or conditions of employment, is not
26 a "company union" as
27 defined by subdivision six of section seven hundred
28 one of this chapter,
29 and which has been selected by an affected employee
30 or whistleblower to
31 initiate a public enforcement action on the
32 affected employee's or
33 whistleblower's behalf, in written notice in
34 such a manner as the
35 commissioner may prescribe by regulation. Where a
36 representative organ-
37 ization is designated as the relator, the affected
38 employee or whistle-
39 blower may elect to have their name and personal
40 identifying information
41 be kept confidential until the relator, in its
42 sole discretion, deems
43 sharing such information is necessary to establish,
44 litigate, mediate,
45 settle, or otherwise pursue the claim.
46 6. "public enforcement action" means an
47 action brought under this
48 article intended to enforce this chapter's
49 protections enforceable by
50 the commissioner. Nothing in this article
51 shall be interpreted to
52 permit a public enforcement action against a
53 governmental agency.
54 7. "commissioner" shall, for the purposes of this
55 article, include the
56 commissioner, and any division, board,
57 commission, or part of the
58 department authorized to impose or seek penalties
59 or other remedies for

39 violations of this chapter.
40 8. "violation" means an employer's
noncompliance with any of the
41 requirements of the following articles of this
chapter and with regu-
42 lations and wage orders promulgated by the
commissioner in implementing
43 such articles:
44 a. article six except sections one hundred
ninety, one hundred nine-
45 ty-one-a, one hundred ninety-six, one hundred
ninety-six-a, one hundred
46 ninety-eight-a, one hundred ninety-nine, and one
hundred ninety-nine-a;
47 b. article nineteen except sections six
hundred fifty, six hundred
48 fifty-one, six hundred fifty-three through six
hundred sixty, six
49 hundred sixty-two, and six hundred sixty-five;
50 c. sections one hundred sixty, one hundred
sixty-one, one hundred
51 sixty-two, one hundred sixty-three-a, one hundred
sixty-seven, and one
52 hundred seventy of article five;
53 d. article nineteen-A except sections six
hundred seventy through six
54 hundred seventy-two, six hundred seventy-four
through six hundred seven-
55 ty-eight, six hundred eighty, and six hundred
eighty-three;
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1 e. article nineteen-B except sections six hundred
ninety, six hundred
2 ninety-three, and six hundred ninety-four;
3 f. article nine except sections two hundred
thirty, two hundred thir-
4 ty-four through two hundred thirty-six, and two
hundred thirty-eight;
5 g. article twenty-five-A except sections eight
hundred sixty, eight
6 hundred sixty-a, eight hundred sixty-c through
eight hundred sixty-f,
7 and eight hundred sixty-i;

8 h. article twenty-five-B except sections
8 eight hundred sixty-one
9 through eight hundred sixty-one-b;
10 i. article twenty-five-C except sections eight
10 hundred sixty-two and
11 eight hundred sixty-two-a;
12 j. article eight except sections two hundred
12 twenty-e through two
13 hundred twenty-four, two hundred twenty-four-b,
13 and two hundred twenty-
14 four-c;
15 k. article twenty-C;
16 l. sections two hundred, two hundred one-d, two
16 hundred one-g, two
17 hundred six-c, two hundred fifteen, and two
17 hundred eighteen-b of arti-
18 cle seven;
19 m. section twenty-seven-d and section twenty-
19 seven-e of article two;
20 n. article thirty-six;
21 o. article twenty-one-A;
22 p. this article; and
23 q. any other worker protections that are added to
23 this chapter after
24 the effective date of this article, unless the
24 enacting statute specif-
25 ically excludes them from this definition.
26 9. "organizational deputy" means a labor
26 organization which exists and
27 is constituted for the purpose, in whole or in
27 part, of collective
28 bargaining or of dealing with employers concerning
28 grievances, terms or
29 conditions of employment, and is not a "company
29 union" as defined by
30 subdivision six of section seven hundred one of
30 this chapter, that has
31 been appointed by the commissioner or the attorney
31 general to represent
32 the state as the relator in the public
32 enforcement action. The commis-
33 sioner or the attorney general shall have complete
33 discretion to deter-

34 mine what labor organizations may serve as their
35 organizational deputy
36 in a public enforcement action.
37 § 1151. Public enforcement action. 1. A relator
38 may initiate a public
39 enforcement action to collect civil penalties on
40 behalf of the commis-
41 sioner for a violation impacting affected
42 employees pursuant to the
43 procedures specified in section eleven hundred
44 fifty-two of this arti-
45 cle. A relator may allege multiple violations that
46 have affected differ-
47 ent employees and may seek injunctive and
48 declaratory relief that the
49 state would be entitled to seek.
50 2. a. For purposes of this section, whenever
51 the commissioner has
52 discretion to assess a civil penalty, a court is
53 authorized to exercise
54 the same discretion to assess a civil penalty.
55 To the extent that the
56 commissioner is authorized to determine that an
57 employer has violated a
58 provision of this chapter or regulation
59 promulgated thereunder, in a
60 public enforcement action, a court shall be
61 authorized to determine that
62 an employer has committed such a violation.
63 b. For any violation defined in this article,
64 except those for which a
65 civil penalty is specifically provided, there is
66 established a civil
67 penalty of five hundred dollars for each affected
68 employee per pay peri-
69 od per violation. That civil penalty will increase
70 beginning on January
71 first, two thousand twenty-seven at the same rate
72 that the minimum wages
73 increase each year as specified in paragraph (b)
74 of section six hundred
75 fifty-two of this chapter or any successor method
76 by which minimum wage

1 rates are to be adjusted. The civil penalty
2 rate shall be published
3 annually by the commissioner. A court may not
4 award a lesser amount,
5 unless, based on the facts and circumstances of the
6 particular case, the
7 employer demonstrates that to do otherwise would
8 result in an award that
9 is unjust, arbitrary and oppressive, or
10 confiscatory.

11 c. In any civil action commenced pursuant to
12 this article, the court
13 shall allow a prevailing relator to recover all
14 reasonable attorneys'
15 fees, expert fees and other costs. The court may
16 also allow a prevail-
17 ing relator to recover all reasonable ancillary
18 costs associated with
19 serving as a relator. For the purposes of
20 this article, the term
21 "prevailing" includes a relator whose commencement
22 of litigation has
23 acted as a catalyst to effect policy change on
24 the part of the defend-
25 ant, regardless of whether that change has been
26 implemented voluntarily,
27 as a result of a settlement or as a result of
28 a judgment in such
29 relator's favor.

30 d. Nothing in this section shall operate to
31 limit an affected employ-
32 ee's right to pursue or recover other remedies
33 available under state or
34 federal law, either separately or concurrently
35 with an action taken
36 under this section.

37 e. Nothing in this section shall operate to limit
38 the commissioner's
39 or the attorney general's right to seek
40 restitution and damages, where
41 available, for affected employees in conjunction
42 with a public enforce-
43 ment action in which it has intervened.

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

52 b. The relator shall equitably distribute the
53 share of penalties due
54 the relator among affected employees. If the
55 relator is an affected
56 employee or whistleblower, they shall also be
57 entitled to recover a
58 service award from the penalties recovered, if they
59 prevail in achieving
60 relief, in whole or in part, for violations that
61 affected other employ-
62 ees. The service award shall be not less than five
63 thousand dollars and
64 not more than twenty thousand dollars, unless
65 the amount recovered as
66 civil penalties is less than twenty thousand
67 dollars. The court shall

46 determine the service award by taking due
47 consideration of the burdens
48 and risks assumed by the relator in prosecuting the
49 action. If the rela-
50 tor is a representative organization or an
51 organizational deputy
52 appointed by the commissioner or the attorney
53 general, it shall distrib-
54 ute all recovered penalties to affected
55 employees but may recover
56 reasonable attorneys' fees and costs incurred in
57 prosecuting the action
58 and ancillary costs associated with serving as a
59 relator. The relator
60 shall submit a distribution summary to the
61 commissioner and the attorney
62 general.
63 4. The right to bring a public enforcement action
64 under this article
65 shall not be subject to private agreements between
66 an affected employee

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1 and an employer or alleged employer, unless such
2 agreements are collec-
3 tively bargained and the bargaining agreement
4 provides a forum for the
5 enforcement of rights and remedies otherwise
6 enforceable under this
7 article. The right to represent the state with
8 respect to violations
9 affecting other workers shall not be waivable by
10 private agreement,
11 unless such agreements are collectively
12 bargained and the bargaining
13 agreement provides a forum for the enforcement of
14 rights and remedies
15 otherwise enforceable under this article,
16 including an award of penal-
17 ties authorized by this article.
18 5. Notwithstanding any other provision of law,
19 a public enforcement
20 action to recover upon a penalty imposed by
21 this article must be

12 commenced within six years. The statute of
13 limitations for bringing a
14 public enforcement action under this article shall
15 be tolled from the
16 date a relator files a notice pursuant to section
17 eleven hundred fifty-
18 two of this article with the commissioner and the
19 attorney general, or
20 the commissioner or the attorney general
21 commences an investigation,
22 whichever is earlier.
23 6. The commissioner shall establish a database of
24 public enforcement
25 notices submitted pursuant to this article,
26 including the parties, the
27 disposition and any other information which the
28 commissioner shall by
29 regulation prescribe and shall make such
30 database available to the
31 public online. The commissioner shall also publish
32 an annual report of
33 total penalties recovered under this chapter.
34 7. a. No employer or the employer's agent,
employee, contractor,
subcontractor or the officer or agent of any
corporation, partnership,
or limited liability company, or any other
person shall discharge,
demote, suspend, threaten, harass, or in any other
manner discriminate
against any person because of any lawful act done
because:
(i) the relator or potential relator brought or
is perceived to have
brought a public enforcement action;
(ii) the relator or potential relator has
provided information, caused
information to be provided, or otherwise assisted
in a public enforce-
ment action or provided information, or
caused information to be
provided to a person with supervisory authority
over the relator or

35 potential relator regarding conduct that the
36 relator or potential rela-
37 tor reasonably believes constitutes a violation of
38 this section; or
39 (iii) the person believes that the relator or
40 potential relator may
41 bring a public enforcement action or cooperate with
42 one.
43 b. Any person affected by a violation of
44 this subdivision, or any
45 affected employee, whistleblower, representative
46 organization, organiza-
47 tional deputy, or the commissioner, or the attorney
48 general may bring a
49 public enforcement action for all appropriate
50 relief, including enjoin-
51 ing the conduct of any person or employer;
52 ordering payment of civil
53 penalties as provided by section two hundred
54 fifteen of this chapter,
55 costs and reasonable attorneys' fees to the
56 employee by the person or
57 entity in violation; and, where the person or
58 entity in violation is an
59 employer, ordering rehiring or reinstatement of
60 the employee to the
61 employee's former position with restoration of
62 seniority. Any person
63 affected by a violation of this subdivision may
64 also bring a civil
65 action in a court of competent jurisdiction
66 against any employer or
67 persons alleged to have violated the provisions
68 of this subdivision
69 pursuant to subdivision two of section two hundred
70 fifteen of this chap-
71 ter.
72 c. There shall be a rebuttable presumption
73 that any adverse actions
74 taken against a relator within one hundred eighty
75 days after the relator
76 has filed an action under this chapter is
77 retaliatory. Nothing in this

1 subdivision shall be interpreted to prohibit an
inference of retaliatory
2 motive after one hundred eighty days after the
relator has filed an
3 action under this chapter.
4 § 1152. Procedure. 1. No public enforcement
action by a relator pursu-
5 ant to section eleven hundred fifty-one of
this article may be
6 commenced:
7 a. prior to sixty days after written notice has
been given by the
8 relator to the commissioner and to the attorney
general. The relator
9 shall submit a filing fee of seventy-five dollars
to the commissioner,
10 and the time periods in this section shall begin
when notice and filing
11 fee have been submitted. The fees required by this
paragraph are subject
12 to waiver in accordance with rules promulgated by
the commissioner. The
13 written notice shall be given in such a manner as
the commissioner may
14 prescribe by regulation, shall be construed in a
light favorable to the
15 relator, and shall include:
16 (i) the name, address and contact information of
the employer.
17 (ii) the name, address, and contact
information of the affected
18 employee or whistleblower.
19 (iii) if the action is brought by a
representative organization, the
20 name, address and contact information of the
representative organiza-
21 tion, its qualification as a representative
organization as defined in
22 this chapter, and the form on which the
whistleblower or affected
23 employee has designated the representative
organization.

24 (iv) if the action is brought by an affected
25 employee or whistleblower-
26 er, the name, address, and contact information of
27 any labor organization
28 that has assisted with the filing of the written
29 notice, and who would
30 be available to serve as an organizational deputy
31 should they be so
32 appointed by the commissioner or the attorney
33 general.
34 (v) the name, address and contact information
35 of the relator's legal
36 counsel, should one exist.
37 (vi) a statement of the underlying claim.
38 (vii) if the relator is a "whistleblower", the
39 relator's knowledge of
40 the alleged violations that is independent of
41 and materially adds to
42 publicly disclosed information.
43 (viii) after searching the database established
44 pursuant to subdivi-
45 sion six of section eleven hundred fifty-one of
46 this article for notices
47 alleging the same facts and legal theories, a
48 summary of such notices or
49 statement that no such notices exist, provided
50 that a notice filed by a
51 pro se litigant may not be rejected for failure
52 to conduct such a
53 search.
54 b. if the commissioner or the attorney general,
55 at any time prior to
56 the end of the sixty-day notice period prescribed
57 in paragraph a of this
58 subdivision or prior to commencement of such
59 action, whichever is later,
60 and upon written notice to the relator who
61 provided the notice
62 prescribed in paragraph a of this subdivision,
63 has commenced and is
64 actively prosecuting an administrative enforcement
65 proceeding pursuant
66 to this chapter relative to the alleged violation.

48 c. if the commissioner or the attorney general,
49 on the same facts and
50 theories, cites a person within the timeframes set
51 forth in this section
52 for a violation of the same section or sections of
53 this chapter under
54 which the relator is attempting to recover a civil
55 penalty or remedy on
56 behalf of the relator or others.
57 d. if the violation is of a posting or agency
58 reporting requirement or
59 agency filing requirement, except where the filing
60 or reporting require-
61 ment involves mandatory payroll or injury
62 reporting.

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1 e. if the violation is for minor variations in
2 the legal name or
3 address of the employer in a wage statement or
4 wage notice required
5 under article six of this chapter, provided that
6 the variations do not
7 impair a worker's ability to promptly and easily
8 identify the employer.
9 2. The commissioner or the attorney general
10 may, after receiving the
11 notice, appoint an organizational deputy for the
12 commissioner or the
13 attorney general (based on who makes the
14 appointment) to serve as the
15 relator, instead of the person who filed the
16 notice. That organizational
17 deputy may then proceed with the public enforcement
18 action on behalf of
19 the state. If the commissioner or the attorney
20 general has appointed an
21 organizational deputy as the relator, that
22 organizational deputy shall
23 serve as the relator in accordance with all
24 the other procedures
25 outlined in this article. The decision to
26 appoint an organizational

14 deputy shall not be construed as the
15 commissioner's or the attorney
16 general's direct intervening in the public
17 enforcement action.

18 3. The commissioner or the attorney general
19 may intervene in the
20 public enforcement action and proceed with any
21 and all claims in the
22 action:

23 a. as of right within the sixty-day notice period
24 prescribed in para-
25 graph a of subdivision one of this section;
26 b. for good cause, as determined by the court,
27 after the expiration of
28 the sixty-day notice period prescribed in paragraph
29 a of subdivision one
30 of this section; or
31 c. if a previous relator becomes unavailable
32 to continue the public
33 enforcement action, by appointing an
34 organizational deputy for the
35 commissioner or the attorney general (based on
36 who makes the appoint-
37 ment) to proceed with the public enforcement action
38 on behalf of the
39 state. If the commissioner or the attorney
40 general has so appointed an
41 organizational deputy, the organizational deputy
42 shall serve as the
43 relator in accordance with all the other
44 procedures outlined in this
45 article. The decision to appoint an organizational
46 deputy shall not be
47 construed as the commissioner or the attorney
48 general directly interven-
49 ing in the public enforcement action.

50 4. If the commissioner or the attorney
51 general intervenes in an
52 action, the commissioner may take primary
53 responsibility for litigating
54 the action and shall not be bound by an act of the
55 relator bringing the
56 action. In such cases, the relator shall remain a
57 party to the action.

38 The commissioner or the attorney general may
also intervene in the
39 action for the limited purpose of filing a
statement of interest or
40 otherwise advancing the state's view about legal
issues at stake in the
41 action. If the commissioner or the attorney general
has intervened for
42 the purpose of taking primary responsibility for
litigating the action,
43 the commissioner or attorney general may dismiss or
settle the action
44 after the relator has been notified of the filing
of the motion and has
45 been provided with an opportunity to be heard, and
the court determines
46 that such dismissal or settlement is fair,
adequate, reasonable, and in
47 the public interest.
48 5. Either the commissioner, the attorney
general, or a federal or
49 state court of competent jurisdiction shall
review and approve any
50 settlement of any civil action filed pursuant to
this article or of any
51 claim for which a relator has provided notice
pursuant to this section.
52 The commissioner, the attorney general, or the
court shall approve the
53 settlement if it is fair, reasonable and adequate,
in light of the stat-
54 utory purpose of the provision of this chapter
alleged to have been
55 violated and the purpose of this article.

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

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

16 c. A copy of the court's judgment in any civil
17 action filed pursuant
18 to this article and any other order in that action
19 that either provides
20 for or denies an award of civil penalties under
21 this article shall be
22 submitted to the commissioner and the attorney
23 general within ten days
24 after entry of the judgment or order.

25 d. Items required to be submitted to the
26 commissioner under this
27 subdivision shall be transmitted in such a manner
28 as the commissioner
29 shall prescribe for the filing of notices under
30 paragraph a of subdivi-
31 sion one of this section.

32 7. Such regulations prescribed pursuant to
33 paragraph a of subdivision
34 one of this section shall provide for the
35 right of the relator to
36 furnish an amended notice, after the notice by the
37 commissioner to the
38 relator that the original notice was not in
39 compliance with this section
40 or the regulations issued thereunder and
41 specifying with particularity
42 what the deficiencies were in the original
43 notice. Such notice and
44 opportunity to amend shall be provided by the
45 commissioner within sixty
46 days of the original notice or the original notice
47 shall be deemed in

28 compliance with this section. The relator shall
29 have thirty days from
30 receiving notice from the commissioner that their
31 original notice was
32 not in compliance with this section to amend the
33 notice.

34 8. A public enforcement action shall be tried
35 promptly, without regard
36 to concurrent adjudication of private claims,
37 including without regard
38 to concurrent adjudication of claims for violations
39 personally affecting
40 the relator.

41 9. No public enforcement action brought pursuant
42 to this article shall
43 be required to meet the requirements of Rule 23(a)
44 of the Federal Rules
45 of Civil Procedure or article nine of the civil
46 practice law and rules.

47 10. The rules governing pretrial discovery in
48 a public enforcement
49 action brought pursuant to this article shall be
50 the same as those
51 applicable to other civil actions. No special
52 showing of merit or other
53 additional requirement shall be imposed on a
54 relator's discovery rights
55 in such an action.

56 11. A relator bringing an action pursuant to
57 this article shall be
58 entitled to discovery regarding the alleged
59 violations as to all
60 affected employees as defined in this article.

61 12. When related public enforcement actions are
62 pending, the parties
63 shall immediately notify the courts overseeing such
64 actions of the over-
65 lap and submit a joint statement describing the
66 overlap, which may
67 propose a process to ensure the just, speedy,
68 and efficient determi-
69 nation of the actions. The court may appoint lead
70 enforcement counsel

51 with sole responsibility for asserting the related
52 claims, with consid-

53 eration of the following factors:

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

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

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

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1 d. the resources that counsel has committed and
2 will commit to prose-

3 cuting the case, and the relative resources at
4 counsel's disposal; and

5 e. the length of time each action has been
6 pending.

7 § 1153. Non-application. 1. This article shall
8 not apply to the recov-

9 ery of administrative and civil penalties in
10 connection with the unem-

11 ployment insurance law as contained in article
12 eighteen of this chapter.

13 2. This article shall not apply to the recovery
14 of administrative and

15 civil penalties in connection with the New York
16 state labor relations

17 act as contained in article twenty of this chapter.

18 3. Severability. If any word, phrase, clause,
19 sentence, paragraph,

20 subdivision, section or part of this article or
21 the application thereof

22 to any person or circumstances shall be adjudged
23 invalid by a court of

24 competent jurisdiction, such order or judgment
25 shall be confined in its

26 operation to the controversy in which it was
27 rendered, and shall not

28 affect or invalidate the remainder of this
29 article, but shall be

30 confined in its operation to the word, phrase,
31 clause, sentence, para-

32 graph, subdivision, section or part thereof
33 directly involved in the

18 controversy in which such judgment shall have been
19 rendered.

20 4. This article shall be construed in light of
21 its remedial purposes

22 to expand the enforcement of this chapter.

23 § 4. This act shall take effect immediately, and
24 shall permit relators

25 to bring actions concerning New York labor law
26 violations that occurred

within the six years prior to this act's
effective date, unless the

labor law provides a shorter statute of
limitations with respect to the

specific violation in question, in which case that
shorter statute of

limitations shall apply.