

# STATE OF NEW YORK

9821

## IN SENATE

April 7, 2026

Introduced by Sens. SALAZAR, BRISPORT, BROUK, CLEARE, COMRIE, COONEY, FERNANDEZ, GIANARIS, GONZALEZ, GOUNARDES, HARCKHAM, HINCHEY, JACKSON, KAVANAGH, KRUEGER, LIU, MAY, MAYER, MYRIE, RAMOS, RIVERA, SANDERS, SEPULVEDA, SERRANO, SKOUFIS -- read twice and ordered printed, and when printed to be committed to the Committee on Labor

AN ACT to amend the labor law, in relation to 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.  
22 When the New York labor law is effectively enforced, it protects the  
23 interests of all New Yorkers and the state of New York. Such public  
24 enforcement actions are an efficient mechanism to limit systemic

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

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violations, will enforce the rights of more workers, and can benefit the department of labor with enhanced resources.

5. The legislature further finds and declares that the purpose of the EMPIRE Worker Protection Act is to benefit those employers who are operating within the labor law, and who, as a result, face unfair competition from individuals and entities shirking the labor law.

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

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

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

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

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

#### ARTICLE 38

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

##### 1151. Public enforcement action.

##### 1152. Procedure.

##### 1153. Non-application.

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

##### 1. "affected employee" means:

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

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

2. "relator" means an affected employee, a whistleblower, a representative organization, or an organizational deputy that acts as a plaintiff in a public enforcement action under this chapter.

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

##### 4. "employer" means:

1 a. any employer as defined by section two of this chapter; or  
2 b. any model management company, model management group, or client as  
3 defined by section one thousand thirty-one of this chapter. The term  
4 "employer" shall not include a governmental agency.

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

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

23 7. "commissioner" shall, for the purposes of this article, include the  
24 commissioner, and any division, board, commission, or part of the  
25 department authorized to impose or seek penalties or other remedies for  
26 violations of this chapter.

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

31 a. article six except sections one hundred ninety, one hundred nine-  
32 ty-one-a, one hundred ninety-six, one hundred ninety-six-a, one hundred  
33 ninety-eight-a, one hundred ninety-nine, and one hundred ninety-nine-a;

34 b. article nineteen except sections six hundred fifty, six hundred  
35 fifty-one, six hundred fifty-three through six hundred sixty, six  
36 hundred sixty-two, and six hundred sixty-five;

37 c. sections one hundred sixty, one hundred sixty-one, one hundred  
38 sixty-two, one hundred sixty-three-a, one hundred sixty-seven, and one  
39 hundred seventy of article five;

40 d. article nineteen-A except sections six hundred seventy through six  
41 hundred seventy-two, six hundred seventy-four through six hundred seven-  
42 ty-eight, six hundred eighty, and six hundred eighty-three;

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

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

47 g. article twenty-five-A except sections eight hundred sixty, eight  
48 hundred sixty-a, eight hundred sixty-c through eight hundred sixty-f,  
49 and eight hundred sixty-i;

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

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

54 j. article eight except sections two hundred twenty-e through two  
55 hundred twenty-four, two hundred twenty-four-b, and two hundred twenty-  
56 four-c;

1 k. article twenty-C;  
2 l. sections two hundred, two hundred one-d, two hundred one-g, two  
3 hundred six-c, two hundred fifteen, and two hundred eighteen-b of arti-  
4 cle seven;

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

6 n. article thirty-six;

7 o. article twenty-one-A;

8 p. this article; and

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

12 9. "organizational deputy" means a labor organization which exists and  
13 is constituted for the purpose, in whole or in part, of collective  
14 bargaining or of dealing with employers concerning grievances, terms or  
15 conditions of employment, and is not a "company union" as defined by  
16 subdivision six of section seven hundred one of this chapter, that has  
17 been appointed by the commissioner or the attorney general to represent  
18 the state as the relator in the public enforcement action. The commis-  
19 sioner or the attorney general shall have complete discretion to deter-  
20 mine what labor organizations may serve as their organizational deputy  
21 in a public enforcement action.

22 § 1151. Public enforcement action. 1. A relator may initiate a public  
23 enforcement action to collect civil penalties on behalf of the commis-  
24 sioner for a violation impacting affected employees pursuant to the  
25 procedures specified in section eleven hundred fifty-two of this arti-  
26 cle. A relator may allege multiple violations that have affected differ-  
27 ent employees and may seek injunctive and declaratory relief that the  
28 state would be entitled to seek.

29 2. a. For purposes of this section, whenever the commissioner has  
30 discretion to assess a civil penalty, a court is authorized to exercise  
31 the same discretion to assess a civil penalty. To the extent that the  
32 commissioner is authorized to determine that an employer has violated a  
33 provision of this chapter or regulation promulgated thereunder, in a  
34 public enforcement action, a court shall be authorized to determine that  
35 an employer has committed such a violation.

36 b. For any violation defined in this article, except those for which a  
37 civil penalty is specifically provided, there is established a civil  
38 penalty of five hundred dollars for each affected employee per pay peri-  
39 od per violation. That civil penalty will increase beginning on January  
40 first, two thousand twenty-seven at the same rate that the minimum wages  
41 increase each year as specified in paragraph (b) of section six hundred  
42 fifty-two of this chapter or any successor method by which minimum wage  
43 rates are to be adjusted. The civil penalty rate shall be published  
44 annually by the commissioner. A court may not award a lesser amount,  
45 unless, based on the facts and circumstances of the particular case, the  
46 employer demonstrates that to do otherwise would result in an award that  
47 is unjust, arbitrary and oppressive, or confiscatory.

48 c. In any civil action commenced pursuant to this article, the court  
49 shall allow a prevailing relator to recover all reasonable attorneys'  
50 fees, expert fees and other costs. The court may also allow a prevail-  
51 ing relator to recover all reasonable ancillary costs associated with  
52 serving as a relator. For the purposes of this article, the term  
53 "prevailing" includes a relator whose commencement of litigation has  
54 acted as a catalyst to effect policy change on the part of the defend-  
55 ant, regardless of whether that change has been implemented voluntarily,

1 as a result of a settlement or as a result of a judgment in such  
2 relator's favor.

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

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

11 3. a. Civil penalties recovered in public enforcement actions shall  
12 be distributed as follows: where the commissioner or the attorney  
13 general has not intervened, or where the commissioner or the attorney  
14 general has appointed an organizational deputy to proceed as the rela-  
15 tor, forty percent to the relator; and sixty percent to the commissioner  
16 for enforcement of this chapter and education of employers and employees  
17 about their rights and responsibilities under this chapter, to be  
18 continuously appropriated to supplement and not supplant the funding to  
19 the agency for those purposes; where the commissioner or the attorney  
20 general has intervened, thirty percent to the relator; and seventy  
21 percent to the commissioner for enforcement of this chapter and educa-  
22 tion of employers and employees about their rights and responsibilities  
23 under this chapter, to be continuously appropriated to supplement and  
24 not supplant the funding to the agency for those purposes.

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

42 4. The right to bring a public enforcement action under this article  
43 shall not be subject to private agreements between an affected employee  
44 and an employer or alleged employer, unless such agreements are collec-  
45 tively bargained and the bargaining agreement provides a forum for the  
46 enforcement of rights and remedies otherwise enforceable under this  
47 article. The right to represent the state with respect to violations  
48 affecting other workers shall not be waivable by private agreement,  
49 unless such agreements are collectively bargained and the bargaining  
50 agreement provides a forum for the enforcement of rights and remedies  
51 otherwise enforceable under this article, including an award of penal-  
52 ties authorized by this article.

53 5. Notwithstanding any other provision of law, a public enforcement  
54 action to recover upon a penalty imposed by this article must be  
55 commenced within six years. The statute of limitations for bringing a  
56 public enforcement action under this article shall be tolled from the

1 date a relator files a notice pursuant to section eleven hundred fifty-  
2 two of this article with the commissioner and the attorney general, or  
3 the commissioner or the attorney general commences an investigation,  
4 whichever is earlier.

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

11 7. a. No employer or the employer's agent, employee, contractor,  
12 subcontractor or the officer or agent of any corporation, partnership,  
13 or limited liability company, or any other person shall discharge,  
14 demote, suspend, threaten, harass, or in any other manner discriminate  
15 against any person because of any lawful act done because:

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

18 (ii) the relator or potential relator has provided information, caused  
19 information to be provided, or otherwise assisted in a public enforce-  
20 ment action or provided information, or caused information to be  
21 provided to a person with supervisory authority over the relator or  
22 potential relator regarding conduct that the relator or potential rela-  
23 tor reasonably believes constitutes a violation of this section; or

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

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

41 c. There shall be a rebuttable presumption that any adverse actions  
42 taken against a relator within one hundred eighty days after the relator  
43 has filed an action under this chapter is retaliatory. Nothing in this  
44 subdivision shall be interpreted to prohibit an inference of retaliatory  
45 motive after one hundred eighty days after the relator has filed an  
46 action under this chapter.

47 § 1152. Procedure. 1. No public enforcement action by a relator pursu-  
48 ant to section eleven hundred fifty-one of this article may be  
49 commenced:

50 a. prior to sixty days after written notice has been given by the  
51 relator to the commissioner and to the attorney general. The relator  
52 shall submit a filing fee of seventy-five dollars to the commissioner,  
53 and the time periods in this section shall begin when notice and filing  
54 fee have been submitted. The fees required by this paragraph are subject  
55 to waiver in accordance with rules promulgated by the commissioner. The  
56 written notice shall be given in such a manner as the commissioner may

1 prescribe by regulation, shall be construed in a light favorable to the  
2 relator, and shall include:

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

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

6 (iii) if the action is brought by a representative organization, the  
7 name, address and contact information of the representative organiza-  
8 tion, its qualification as a representative organization as defined in  
9 this chapter, and the form on which the whistleblower or affected  
10 employee has designated the representative organization.

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

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

18 (vi) a statement of the underlying claim.

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

22 (viii) after searching the database established pursuant to subdivi-  
23 sion six of section eleven hundred fifty-one of this article for notices  
24 alleging the same facts and legal theories, a summary of such notices or  
25 statement that no such notices exist, provided that a notice filed by a  
26 pro se litigant may not be rejected for failure to conduct such a  
27 search.

28 b. if the commissioner or the attorney general, at any time prior to  
29 the end of the sixty-day notice period prescribed in paragraph a of this  
30 subdivision or prior to commencement of such action, whichever is later,  
31 and upon written notice to the relator who provided the notice  
32 prescribed in paragraph a of this subdivision, has commenced and is  
33 actively prosecuting an administrative enforcement proceeding pursuant  
34 to this chapter relative to the alleged violation.

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

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

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

47 2. The commissioner or the attorney general may, after receiving the  
48 notice, appoint an organizational deputy for the commissioner or the  
49 attorney general (based on who makes the appointment) to serve as the  
50 relator, instead of the person who filed the notice. That organizational  
51 deputy may then proceed with the public enforcement action on behalf of  
52 the state. If the commissioner or the attorney general has appointed an  
53 organizational deputy as the relator, that organizational deputy shall  
54 serve as the relator in accordance with all the other procedures  
55 outlined in this article. The decision to appoint an organizational

1 deputy shall not be construed as the commissioner's or the attorney  
2 general's direct intervening in the public enforcement action.

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

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

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

11 c. if a previous relator becomes unavailable to continue the public  
12 enforcement action, by appointing an organizational deputy for the  
13 commissioner or the attorney general (based on who makes the appoint-  
14 ment) to proceed with the public enforcement action on behalf of the  
15 state. If the commissioner or the attorney general has so appointed an  
16 organizational deputy, the organizational deputy shall serve as the  
17 relator in accordance with all the other procedures outlined in this  
18 article. The decision to appoint an organizational deputy shall not be  
19 construed as the commissioner or the attorney general directly interven-  
20 ing in the public enforcement action.

21 4. If the commissioner or the attorney general intervenes in an  
22 action, the commissioner may take primary responsibility for litigating  
23 the action and shall not be bound by an act of the relator bringing the  
24 action. In such cases, the relator shall remain a party to the action.  
25 The commissioner or the attorney general may also intervene in the  
26 action for the limited purpose of filing a statement of interest or  
27 otherwise advancing the state's view about legal issues at stake in the  
28 action. If the commissioner or the attorney general has intervened for  
29 the purpose of taking primary responsibility for litigating the action,  
30 the commissioner or attorney general may dismiss or settle the action  
31 after the relator has been notified of the filing of the motion and has  
32 been provided with an opportunity to be heard, and the court determines  
33 that such dismissal or settlement is fair, adequate, reasonable, and in  
34 the public interest.

35 5. Either the commissioner, the attorney general, or a federal or  
36 state court of competent jurisdiction shall review and approve any  
37 settlement of any civil action filed pursuant to this article or of any  
38 claim for which a relator has provided notice pursuant to this section.  
39 The commissioner, the attorney general, or the court shall approve the  
40 settlement if it is fair, reasonable and adequate, in light of the stat-  
41 utory purpose of the provision of this chapter alleged to have been  
42 violated and the purpose of this article.

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

47 b. If the commissioner or the attorney general so requests, the  
48 commissioner or the attorney general shall be served with copies of  
49 pleadings filed in the action and shall be supplied with copies of all  
50 deposition transcripts. The commissioner or the attorney general shall  
51 bear any costs associated with service of such pleadings and depositions  
52 if there are such costs.

53 c. A copy of the court's judgment in any civil action filed pursuant  
54 to this article and any other order in that action that either provides  
55 for or denies an award of civil penalties under this article shall be

1 submitted to the commissioner and the attorney general within ten days  
2 after entry of the judgment or order.

3 d. Items required to be submitted to the commissioner under this  
4 subdivision shall be transmitted in such a manner as the commissioner  
5 shall prescribe for the filing of notices under paragraph a of subdivi-  
6 sion one of this section.

7 7. Such regulations prescribed pursuant to paragraph a of subdivision  
8 one of this section shall provide for the right of the relator to  
9 furnish an amended notice, after the notice by the commissioner to the  
10 relator that the original notice was not in compliance with this section  
11 or the regulations issued thereunder and specifying with particularity  
12 what the deficiencies were in the original notice. Such notice and  
13 opportunity to amend shall be provided by the commissioner within sixty  
14 days of the original notice or the original notice shall be deemed in  
15 compliance with this section. The relator shall have thirty days from  
16 receiving notice from the commissioner that their original notice was  
17 not in compliance with this section to amend the notice.

18 8. A public enforcement action shall be tried promptly, without regard  
19 to concurrent adjudication of private claims, including without regard  
20 to concurrent adjudication of claims for violations personally affecting  
21 the relator.

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

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

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

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

- 40 a. the work that counsel has done in investigating the claims;  
41 b. counsel's experience litigating labor law and past performance in  
42 similar cases;  
43 c. counsel's diligence in advancing the case;  
44 d. the resources that counsel has committed and will commit to prose-  
45 cuting the case, and the relative resources at counsel's disposal; and  
46 e. the length of time each action has been pending.

47 § 1153. Non-application. 1. This article shall not apply to the recov-  
48 ery of administrative and civil penalties in connection with the unem-  
49 ployment insurance law as contained in article eighteen of this chapter.

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

53 3. Severability. If any word, phrase, clause, sentence, paragraph,  
54 subdivision, section or part of this article or the application thereof  
55 to any person or circumstances shall be adjudged invalid by a court of  
56 competent jurisdiction, such order or judgment shall be confined in its

1 operation to the controversy in which it was rendered, and shall not  
2 affect or invalidate the remainder of this article, but shall be  
3 confined in its operation to the word, phrase, clause, sentence, para-  
4 graph, subdivision, section or part thereof directly involved in the  
5 controversy in which such judgment shall have been rendered.

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

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