



**2026 Joint Legislative Budget Hearing
Labor/Workforce Development
February 25, 2026
Written Testimony of Alaina Varvaloucas, Executive Director
Worker Justice Center of New York**

My name is Alaina Varvaloucas. I am the Executive Director of the Worker Justice Center of New York. We are a non-profit legal services and advocacy organization that serves low-wage workers throughout a large portion of New York State, from Westchester up to the North Country and out to Western NY. WJCNY's mission is to pursue justice for those denied human rights with a focus on agricultural and other low-wage workers, through legal representation, community empowerment, and advocacy for institutional change. Before I joined WJCNY in July 2024, for several years I represented farmworkers and other low-wage workers experiencing New York Labor Law abuses as the Managing Attorney of the Farmworker Law Project at the Legal Aid Society of Mid-New York.

Each year, our organization serves thousands of our state's most vulnerable workers—people whose essential labor sustains our local economies, but who are too often left unprotected from exploitation and abuse. Every day, we encounter workers who are struggling to make ends meet, often working multiple jobs, with limited access to safety net resources and little recourse to address widespread labor law violations.

I would like to address our top labor legislative priority this year:

1. The EmPIRE Worker Protection Act (Simon A4278b/Senate Sponsor and Bill Number forthcoming (formerly Holyman-Sigal S448c))

Passage of the EmPIRE Worker Protection Act is perhaps the most crucial labor endeavor this year given the presidential administration's broad attacks on workers and its efforts to diminish the federal workforce, which has led to a lack of enforcement of federal labor laws. Moreover, many workers fear going to federal agencies at this time, as credible reports have surfaced of victims potentially being referred to immigration enforcement. Now more than ever, New York's agencies are tasked, and burdened, with upholding our labor laws.

In New York, outside of federal agencies, effective enforcement of labor law has historically depended on a combination of public enforcement by the New York Department of Labor and private enforcement by individuals bringing private lawsuits. Private litigation supplements public enforcement, penalizing violations that public regulators are unable to prosecute due to issues such as resource constraints.



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However, a crisis of enforcement has emerged over recent decades. On the public side, capacity constraints have worsened as caseloads have risen and staffing levels declined. Limits on government resources mean that labor violations subject to enforcement inevitably outstrip public enforcement capacity. Meanwhile, on the private litigation side, fear of retaliation and the logistical commitments needed to fight a case in state or federal court have posed obstacles to workers trying to address violations of their rights. The proliferation of private arbitration agreements has further stripped workers of their ability to access public enforcement or the courts.

As a result, the workers represented by myself, my colleagues, and my staff experience significant delays in vindicating their claims. Arbitration systems favor the employer. With litigation, it can take years to resolve a court case, and it is no faster to go through the New York Department of Labor (NY DOL), where some cases languish for 3-5 years. Of those, we have had multiple clients then become unable to collect even thousands of dollars per person because NY DOL's enforcement unit is grossly overcapacity and its hardworking staff are underwater. And our clients are not alone—a recent ProPublica report found that between 2017-2021, 63% of back wages at NY DOL went uncollected, for a total of \$79 million—and that is just those cases that were actually filed with NY DOL. Wage theft in New York is estimated to be as high as \$3 billion per year in missing wages and benefits. New York has some of the nation's best labor laws, but is unable to fully, or even reasonably, enforce them.

Employers can readily bet that malfeasance with respect to the New York Labor Law will go unpunished. Through our work, we see that employers bet on the state having inadequate enforcement capacity. They steal wages from their workers and allow toxic workplaces to fester with the expectation that it is unlikely they will be caught. Our labor laws are rendered meaningless when workers do not have a reasonable expectation that employers who violate the law will be held accountable.

Both workers and the NY DOL employees who work diligently to enforce New York's labor laws are being failed by our current structure. NY DOL employees exhibit their passion for their mission and for the full enforcement of New York's labor laws. But despite their best efforts and their hard and dedicated work, labor violations far outstrip labor enforcement in New York because NY DOL is not given the resources to match the problem. NY DOL employees deserve reasonable caseloads and higher pay commensurate to the importance of their work. With the set-up we have now, they are being asked to do the impossible.

The EmPIRE Act expands the state's enforcement power and grows revenue, without burdening public servants or the state's wallet. The Act creates a public enforcement action that enhances the reach of the NY DOL and Attorney General, and following a notification process to the state, allows affected workers and labor unions to sue employers to enforce state labor law at individual workplaces—action which either the Attorney General or the New York Department of Labor can take instead, or claw back at any point in the legal process, if it is appropriate.

The action, when victorious, allows for the recovery of penalties—60% of the total—that the NY DOL would receive even when it does not bring the case, allowing it to further worker



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protection enforcement. Within 10 years after enactment, **the Act is expected to create an extra \$211 million per year for the New York Department of Labor**, as well as expand the ability of workers to bring claims to rectify abuses in the workplace, further strengthening the reach of the New York Attorney General and Department of Labor. Prevailing relators would also be able to win injunctive and declaratory relief that would bring lawbreaking employers into compliance with the Labor Law, and the act would also help counteract some unfair arbitration agreements. **None of this is theoretical.** A similar law that has been on the books in California for 20 years has led to higher revenue for their public enforcement agency and a greater ability to tackle wage theft, and is strongly supported by the relevant state employees' union.

This legislation would significantly increase the state's capacity to enforce labor standards and critical workers' rights protections. By passing EmPIRE, New York could reaffirm its position as a leader in workers' rights protection. Workers are under attack from this federal administration and wish to turn to state agencies for protection where federal agencies may no longer protect them. Now is the time New York needs to adequately increase the capacity of its already underfunded agencies—as well as shore up the ability of workers, who make up the foundation of New York's economy, to enforce labor laws through a structured process.

New York is better than what the federal government is doing, and the EmPIRE Act can help us prove it.

Thank you for your time and attention. If you have any further questions, please feel free to contact me at 585-559-8769 or at avarvaloucas@wjcny.org.

Sincerely,

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