



New York State Department of Labor
David A. Paterson, *Governor*
M. Patricia Smith, *Commissioner*

November 19, 2008

[REDACTED]

Re: Request for Opinion
Definitions
RO-08-0051

Dear [REDACTED]

This letter is written in response to yours of October 27, 2008. On April 20, 2008, May 5, 2008, and May 11, 2008 you sent letters asking whether you and your fellow employees, employed by the [REDACTED] Fire Department, were “restricted or excluded from commencing a civil action to recover upon a liability imposed by” sections 198(3) and 663(3) of the New York State Labor Law. By letter of June 2, 2008, you were advised that, as these provisions of law are not applicable to government workers, they do not provide a basis for you to sue your employer for non-payment of wages. In your letter of October 27, 2008, you ask “how then do government workers recover wages and supplemental benefits our Supervisors deprived us out of from July 2000 to present?”

Please be advised that the Counsel’s Office of the New York State Department of Labor provides legal advice only to the Commissioner of Labor and her representatives. Although this office will offer opinions to the public on general questions of law, it cannot provide legal advice to anyone other than the Commissioner and her representatives. The opinion of June 2, 2008 stated that Articles 6 and 19 of the Labor Law are not applicable to government workers, and, therefore, cannot be used by such workers as the basis for an action by them against their employers. Any questions regarding action that may be authorized by other chapters of law, such as the New York State Civil Service Law, New York City ordinances, or federal law, or action under the terms of your collectively bargained contract should be directed either to your union representatives or a private attorney of your choice.

This opinion is based upon the information provided in your letters of April 20, 2008, May 5, 2008, May 11, 2008, and October 27, 2008. A different opinion might result if any facts

Phone: (518) 457-4380 Fax: (518) 485-1819
W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240

provided have been inaccurately stated, or if there are other relevant facts that have not been disclosed. If you have any further questions, please feel free to contact me.

Very truly yours,

Jeffrey G. Shapiro
Associate Attorney

JGS:jc
cc: Carmine Ruberto