

CUNY, their overtime and regular pay rates during their employment periods, the types of FLSA violations that they were claiming, and the damages to which they were allegedly entitled (*cf. Lepkowski v State of New York*, 1 NY3d 201, 208 [2003]; *Watson v State of New York*, 159 AD3d 446, 446-47 [1st Dept 2018]; *see Johnson v State of New York*, 2025 NY Slip Op 25284[U][Ct Cl 2025]). Claimants also annexed timesheet charts reflecting their hours worked during each week of the relevant period, including which weeks they worked overtime. Although the State is not required to search out or assemble information that Court of Claims Act § 11(b) obligates the claimant to allege (*see Lepkowski*, 1 NY3d at 208), the claim here contains sufficient information for the State to ascertain which weeks it could have violated the FLSA by failing to pay each individual claimants the overtime owed (*see e.g. Williams v State of New York*, 238 AD3d 963, 964 [2d Dept 2025]; *see also Johnson*, 2025 NY Slip Op 25284[U]).

As to the second order on appeal, the Court of Claims properly denied the motion for leave to file late claims, as the State’s limited waiver of immunity from FLSA suits is “conditioned upon a claimant’s compliance with the limitations on the waiver, including the relevant filing deadlines” (*Alston v State of New York*, 97 NY2d 159, 163 [2001]). Claimants failed to present a sufficient justification for not filing the claim within six months of the first violations in January 2022 or January 2023 (*id.*).

THIS CONSTITUTES THE DECISION AND ORDER
OF THE SUPREME COURT, APPELLATE DIVISION, FIRST DEPARTMENT.

ENTERED: May 19, 2026



Susanna Molina Rojas
Clerk of the Court

