

California's Private Attorneys General Act (PAGA) – Litigation And Compliance Manual

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Some of the most impactful changes to California law involve the Private Attorneys General Act of 2004 (“PAGA”). The law has been nicknamed the “**Sue Your Boss Law**” because it motivates employees to sue employers to recover substantial penalties. California employers now are hit with as many as 10 to 35 PAGA actions a day. The scope of PAGA and its impact emphasize the need to understand California’s extensive rules and commit to total compliance.

The law encourages lawsuits and discourages employees from using internal complaint procedures to resolve problems. Penalties for a single violation can equal **\$100 for each employee times the number of pay periods**. As an example, an employer with only 100 employees could face penalties of **\$10,000 per pay period** for just one violation. Strikingly, the penalties can be doubled for subsequent violations.

In this publication, Attorneys Richard J. Simmons, Jason W. Kearnaghan, and Daniel J. McQueen of the law firm of Sheppard, Mullin, Richter & Hampton LLP examine numerous litigation topics and compliance issues. It includes an in-depth review of the purpose and structure of PAGA, meal period, rest period, pay stub, seating and other claims, litigation strategies, damage and exposure analyses, and compliance rules. It also includes an extensive review of key cases including a chapter devoted to Supreme Court cases in the field. The authors identify proactive strategies, high risk areas, and **audit topics** that are designed to aid compliance efforts and reduce exposure to liability. Among the subjects covered in this publication are:

- **The Importance Of Self-Audits**
- **Targets Of Audits**
- **Civil Penalties & Remedies**
- **Significance Of Category 1 And 2 Statutes**
- **Opportunity To Cure Violations**
- **Checklists & High Risk Areas**
- **Liabilities**
- **Penalty Rules**
- **Class Action Claims**
- **Exhaustion Requirements**

- **One-Sided Attorney's Fee Provision**
- **Avoiding Litigation**
- **Notification Rules**
- **Labor Code Checklist**
- **Role Of Legal Counsel**
- **Litigation Strategies**
- **Exhaustion Rules**
- **Role Of LWDA**

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