

California's Private Attorneys General Act (PAGA) – Litigation And Compliance Manual - 3rd Edition

Richard J. Simmons, Ryan J. Krueger, and Tyler J. Johnson
Castle Publications
01.2023

The Private Attorneys General Act (called “PAGA”) has been nicknamed the “Sue Your Boss Law” because it **motivates employees to sue employers instead of bringing internal complaints and grievances**. Thousands of employers who have faced PAGA claims agree the law has become their worst enemy – a blatant anti-business law constructed by plaintiffs’ attorneys to increase the number of cases against employers. California employers are now hit with dozens of new PAGA actions every day. Worse yet, the legislature has shown no concern for the plight of small and large businesses that are still reeling from the economy while being targeted with costly litigation.

PAGA penalties for a single Labor Code violation can equal **\$100 for each employee times the number of pay periods for which the violation lasts**. As an example, an employer with only 100 employees could face penalties of **\$10,000 per pay period** for just one violation. If the employer uses a weekly pay period, the penalties for one violation for just one year could be \$520,000. Strikingly, the penalties can double for subsequent violations.

In this publication, Attorneys Richard J. Simmons, Ryan J. Krueger, and Tyler J. Johnson from the law firm of Sheppard, Mullin, Richter & Hampton LLP examine PAGA from top to bottom. The Manual provides HR officials, attorneys, practitioners and consultants a valuable, one-stop desk reference. Readers can learn to identify high risk areas, audit their policies and practices, understand litigation, and implement proactive measures to reduce exposure to liability.

Among the subjects covered in this publication are:

- **The Most Common PAGA Claims**
- **The View Of PAGA From The Supreme Court**
- **Exhaustion Of Administrative Remedies Before Filing Lawsuits**
- **Civil Penalties & Remedies**
- **Suitable Seating Cases**
- **The Effect Of Arbitration Agreements And Class Action Waivers**
- **Court Approval Of Settlements**
- **Pay Stub Claims**

- **Opportunity To Cure Violations**
- **Checklists & High Risk Areas**
- **Defending Multiple PAGA Cases**
- **Meal And Rest Period, Overtime, Bonus, And Other Common Claims**
- **Defense Strategies**
- **Liabilities**
- **Avoiding Litigation & Conducting Self-Audits**
- **Contesting Settlements**

To order this book please visit, <http://www.castlepublications.com>

Attorneys

Tyler J. Johnson

Ryan J. Krueger

Richard J. Simmons

Practice Areas

Labor and Employment